

MASSACHUSETTS LEGAL NEEDS SURVEY

FINDINGS FROM A SURVEY OF LEGAL NEEDS OF LOW-INCOME HOUSEHOLDS IN MASSACHUSETTS

Submitted to:

The Massachusetts Legal Assistance Corporation
11 Beacon Street
Suite 820
Boston, MA 02108

Submitted by:

Schulman, Ronca & Bucuvalas, Inc.
8403 Colesville Road, Suite 820
Silver Spring, MD 20910

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I. EXECUTIVE SUMMARY

The Massachusetts Legal Assistance Corporation (MLAC) funds and supports programs providing civil legal aid to low-income residents in Massachusetts. A comprehensive assessment of the needs of those eligible for legal aid has not been collected for almost a decade. Thus, MLAC commissioned the Massachusetts Legal Needs Survey to better understand 1) the types of civil (non-criminal) legal needs these households experienced in the 12 months prior to the survey; and 2) how low-income households attempted to resolve their legal needs.

To obtain information to assist MLAC in the design and implementation of its program, a representative state and area sample of 1,800 eligible households and 200 other low-income households in the state of Massachusetts were interviewed by telephone. Eligible households were defined as households with income up to 125% of the HHS poverty guidelines based on household size. Residents in these households are automatically eligible to receive legal aid. "Other low-income households," with incomes between 125% and 184% of the Federal poverty guidelines are eligible for legal aid under certain circumstances.

The findings regarding the civil legal needs of Massachusetts' eligible population follow.

Finding 1: Growing Incidence of Legal Need

- Among eligible households, two in three reported some type of legal need during the 12 months preceding the survey, a substantially higher percentage than the 38 percent reported from the 1993 Comprehensive Legal Needs survey¹.
- The average number of legal needs per household was 2.40, and among households with at least one legal need the average was 3.60. Sixty percent of all legal needs were reported by the eighteen percent of households that had at least five legal needs.
- In addition to higher reporting of legal needs overall among eligible households, larger proportions also reported multiple problems more often than was recorded in 1993. Twenty-two percent of households reported one legal need compared to 17 percent in 1993, while nearly 25 percent of low-income households reported 4 or more legal needs in 2002 compared to only 5 percent in the 1993 survey. While methodological differences may well account for some of these higher levels of legal needs in 2002, the differences point to some real increase in legal needs.
- Even if the legal needs that seem less likely to require a lawyer's assistance, municipal and language-related legal needs, are not included, the reported legal needs have grown. The average per household is 2.02, and the average per household having a legal need is 3.47. One-quarter of all households had at least five legal problems, and their legal problems constituted fifty-eight percent of the total.

¹ For a discussion of the methodological differences between these surveys, see Appendix A.

- Among eligible households, the type of legal need experienced at least once by the most households was municipal (31.6%), primarily dealing with poor road and sidewalk infrastructure.
- Other legal needs experienced at least once by the greatest number of eligible households included housing (30.3%), consumer (24.1%), health (22.4%), public benefits (16.7%), and employment (15.8%).
- The most frequently reported categories of legal problem among eligible households, experienced a number of times by the same household in some cases, were housing (25.5% of all legal problems), health (11.8%), municipal (11.7%), consumer (11.2%), public benefits (10.1%), employment (9.3%), and family (5.6%).

Finding 2: Oftentimes No Action Taken

- For those households citing any legal need, the actions taken to address this legal need were also asked. Households did nothing for 45 percent of their legal needs. Nearly 7 in 10 eligible households took no action for at least one of their legal needs. Households were most likely to take action when the legal need concerned children's schooling, family and domestic, or advance directive (i.e., living wills, power of attorney) legal needs. Immigration legal needs were rarely acted upon.
- Household satisfaction with outcome of these legal needs was also queried. Overall, in over 57 percent of resolved legal encounters, households reported that they were satisfied (either very or somewhat) with the outcome. Legal resolution in matters dealing with advance directives had the highest level of satisfaction. Use of private lawyers and legal aid organizations also resulted in higher levels of satisfaction with the outcome of a legal problem.

Finding 3: Legal Assistance Infrequently Used

- Private lawyers and legal aid organizations were used by less than one in seven eligible households with some type of legal need.
- Use of private lawyers and legal aid organizations was related to the type of legal problem reported. Greater use of private lawyers occurred when households had legal needs in the areas of advance directives, family and domestic, elder abuse and government harassment. Use of legal aid organizations was greatest in the legal need areas of family and domestic, advance directives and housing.
- Ten percent of eligible households with a legal problem used a private lawyer at least once while 7 percent used a legal aid organization at least once for some legal need.

- Private lawyers and legal aid organizations most often provided legal advice, reviewed or filed legal documents, and represented households in lawsuits. Their actions, however, varied depending upon the type of legal need. For family and domestic matters, private lawyers and legal aid organizations were most likely to represent the household in a lawsuit.
- When examining the differences in the types of services provided to eligible households by private lawyers and legal aid organizations, private lawyers were much more likely to review legal documents and represent these households in a lawsuit. By contrast, legal aid organizations were more likely to represent households in a non-court dispute.

Finding 4: Population Segment Legal Needs Differed from the Overall Population

- Households with incomes between 125% and 184% of poverty reported an even higher level of legal need than eligible households with 73 percent citing some type of legal need.
- Other low-income households most often reported a municipal legal need followed by a consumer legal need.
- Additional important legal need categories for other low-income households related to housing (28.9%), health (27.5%), employment (22.5%), family/domestic (19.6%), and public benefits (18.1%).
- Other low-income households reported higher levels than eligible households of every type of legal need with the exceptions of housing, guardianship, and language legal needs.
- Other low-income households used both private lawyers and legal aid organizations more frequently than eligible households.
- Single mother headed households and households with children had greater need for children schooling and family and domestic legal aid.
- Households with 5 or more residents had greater housing needs than the general eligible population.
- A high level of dissatisfaction was found among households receiving public benefits with a resolved public benefit legal need. Additionally, this group recorded low use of legal professionals and often said that they did not know what to do about a public benefit legal need.
- Black households reported much higher levels of discrimination in housing, health and employment than the general eligible population.

- Hispanic households had greater language and immigration legal needs than the general population but reported only had slightly higher discrimination needs.

Finding 5: Regional Legal Needs Only Varied Slightly

- Regional analyses found very few differences by region in terms of overall legal needs, actions taken, or outcomes.

The 2002 Massachusetts Legal Needs Survey updated the levels and trends of civil legal needs among low-income Massachusetts residents. The major findings were that the reported level of legal needs rose compared to the levels recorded 10 years ago. Despite reporting more instances of civil legal needs, oftentimes households took no action. When action was taken, private lawyers and legal aid organizations were rarely consulted. When private lawyers or legal aid organizations were used, a larger proportion of eligible households sought assistance from a private lawyer than from a legal aid organization. Finally, all low-income households do not have the same types of legal needs and efforts are needed to address special issues for different population segments.

II. INTRODUCTION

It has been almost 10 years since Massachusetts obtained a comprehensive assessment of civil legal needs of low-income people in the state. Since the previous study, immigration patterns have changed the state's demographic composition, and revisions in the law and in the roles of courts, as well as political and economic developments, have changed the legal needs of the low-income population. These events have affected the ability of legal aid programs to respond to the changing needs within constraints imposed by limited resources. Given the changing legal and demographic environment and the 10-year lapse since the last comprehensive legal needs study, the Massachusetts Legal Assistance Corporation (MLAC) commissioned a new study in 2002.

The specific goal of the Massachusetts Legal Needs Study was to identify and quantify met and unmet needs for civil legal services and provide updated data to help guide resource planning decisions and service delivery.

III. GENERAL FINDINGS

This chapter describes the findings from the Massachusetts Legal Needs Survey about the extent of legal needs for households eligible for legal aid (those with incomes up to 125% of the 2002 HHS poverty guidelines) and for other low-income households (those with incomes between 125% and 184% of the 2002 poverty guidelines) who are eligible for legal aid under certain circumstances. Thus, there are two main populations examined: eligible households and other low-income households. Subsequent chapters present the actions which these households took to address their legal need, their satisfaction with the outcome of their legal needs, reasons for inaction, actions taken by private lawyers and legal aid organizations, and legal needs for important population sub-groups. The data presented here have been weighted to adjust for the probability of selection although unweighted sample sizes are presented².

Originally, 30 types of legal needs were asked about, including 104 specific possible civil legal situations; these 30 were then collapsed into 14 categories. Appendix C, Tables C5a and C5b show the breakdown of the thirty types of legal needs and their fourteen general categories. The fourteen distinct categories of legal needs are examined. The data in this chapter show statewide projections of legal needs and some comparisons to previous estimates. Each legal need situation was asked of households who might have been affected by such situations. However, in order to estimate the overall magnitude, unless otherwise noted, the percentage of legal need reflects the incidence of the occurrence for the total eligible or other low-income populations. Although multiple legal needs from any one category might have affected one household, the household is only counted once in the category and once when calculating the incidence of the type of legal need unless otherwise indicated.

An example of such an occurrence would be a situation where a household experienced a marriage break-up in the previous 12 months and also had a dispute over the award or payment of child support. While these are separate questions, they are both categorized as part of Family and Domestic Legal Needs and would only be counted once in this category. As a result, data of this kind are usually described as involving events a household experienced “at least once.”

In a number of other places in the report, however, data are presented about each legal need, legal problem or legal encounter. When such data are presented, they are described as “per legal need”, “per legal problem” or “per legal encounter.”

A. Total Legal Needs per Household

Overall, two in three eligible households reported some type of legal need within the previous 12-month period. This compares to almost three in four among the other low-income households. This is substantially higher than the rates reported in the 1993 survey where only 38 percent of eligible households reported some type of legal need during the previous 12 months. Changes in the questionnaire could account for some but not all of this increase; legal needs have increased in the last 10 years³. The data

² Appendix A presents a discussion of the sampling process.

³ Appendix A discusses the methodological differences as compared to the 1993 survey.

shown in this chapter are presented in Appendix C, Tables C1a to C5b and Tables C7 to C20.

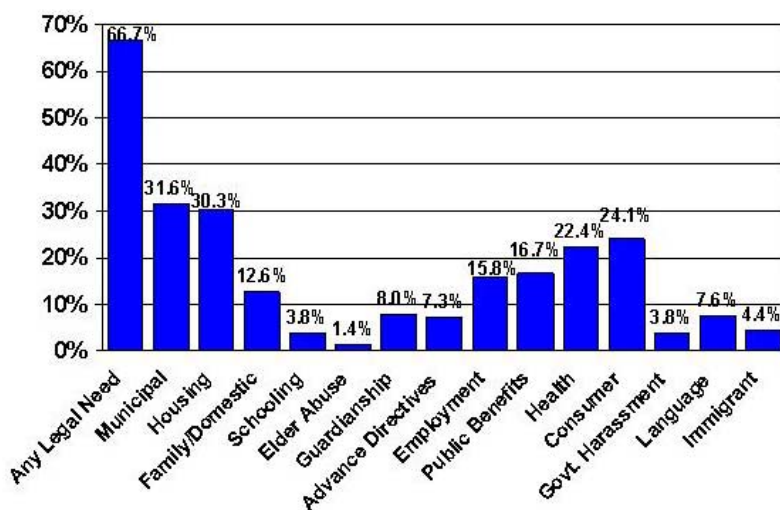
The average number of legal need encounters per household surveyed was 2.40. Among households that had at least one legal need, the average number was 3.60. More than 20 percent of the households had just one legal need. Twenty-seven percent had two to four and 18 percent had five or more legal needs during the study period. Of the 4,335 total legal problems reported, 60 percent were concentrated in those households that experienced five or more legal needs, 31 percent were in households with two to four legal needs and just 9 percent were reported by households with only one legal need.

Some of the legal needs reported seemed less likely to require a lawyer's direct assistance than the rest. Particularly in this category are the municipal and language legal problems. When these problems are removed from the data, the occurrence of legal needs is still much higher than in prior studies. The average number of the most important legal needs in all households surveyed is 2.02. In households with at least one of these legal needs, the average is 3.47. One-third of the households with these legal problems had just one. Forty-two percent had two to four problems and 25 percent had five or more. Again, however, the households with the most problems accounted for 58 percent of the total 3,637 needs reported, the households with two to four legal needs reported about 33 percent of the problems and the households with just one problem experienced less than 10 percent of the legal needs reported.

B. Overall Levels of Legal Needs by Type of Need

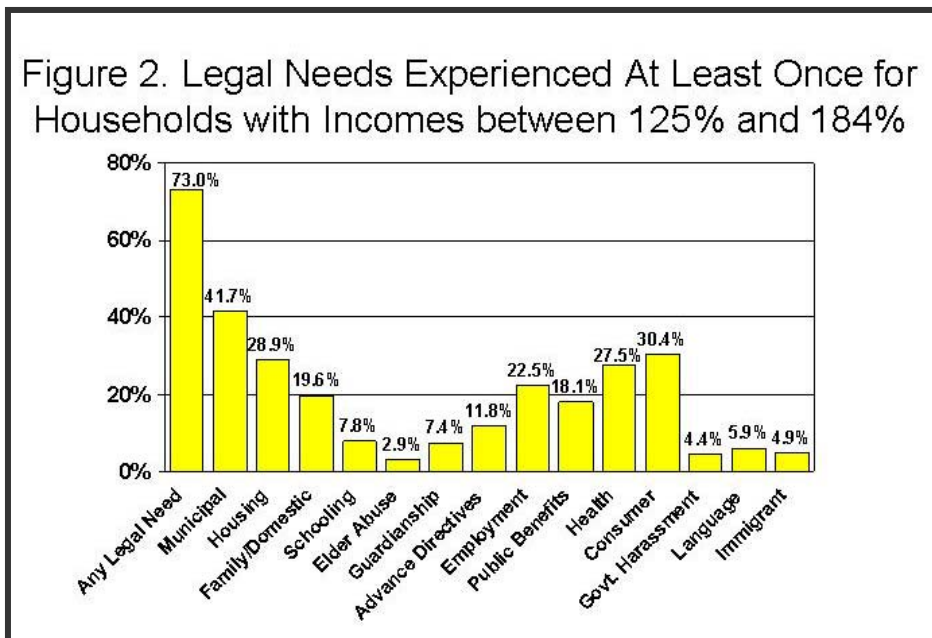
Figure 1 presents a graph of the level of legal needs for households with incomes up to 125% of the 2002 poverty threshold (eligible households) while Figure 2 presents the same information for those with incomes between 125% and 184% (other low-income households) by legal need category.

Figure 1. Legal Needs Experienced At Least Once for Households with Incomes to 125%



Within categories, nearly one-third of eligible households reported a municipal or housing legal need. This was followed by just under one in four households reporting at least one consumer legal need or a health legal need. Legal needs related to

public benefits, employment and family/domestic issues were experienced at least once by roughly 15 percent of eligible households. The other legal areas, guardianship, language, advance directives, immigrant, children's schooling, government harassment, and elder abuse issues, were experienced by less than 10 percent of eligible households in the previous year.



Similar trends are apparent for other low-income households with the exception that consumer legal needs had the second highest incidence rather than housing needs. Further, the level of reported legal need is higher for other low-income households than for eligible households in most categories. The only areas where eligible

households had a higher recorded level of at least one legal need were in housing, guardianship and language. However, the margins of error associated with the small sample size of other low-income households means that these differences are not statistically significant⁴.

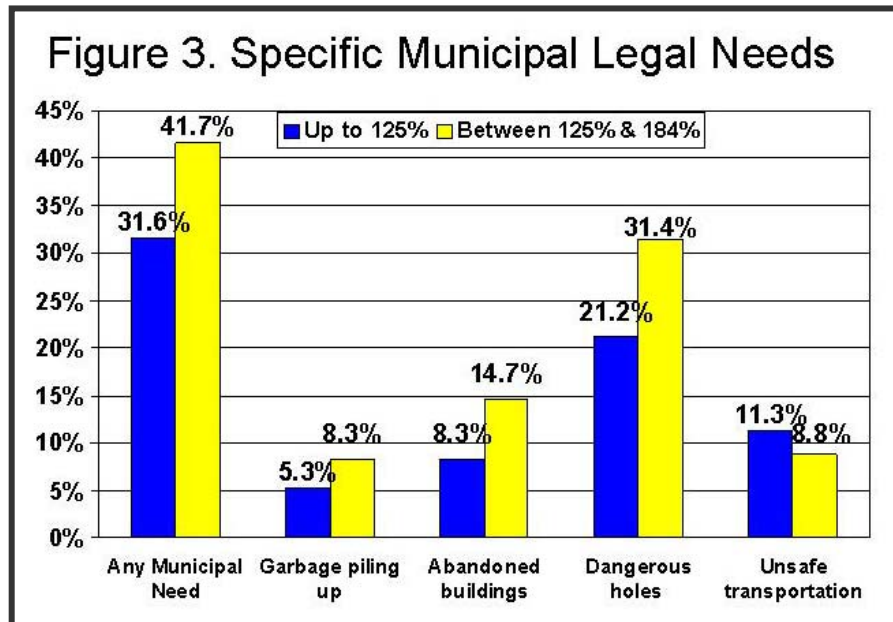
Overall, two-thirds of Massachusetts eligible households reported some type of legal problem during the 12 months preceding the survey, a substantial rise from the last assessment of legal needs within the state. Municipal and housing related legal problems were reported by the most households. They appear to have doubled from previous estimates (although the categories are not completely comparable). For the most part, both eligible and other low-income households mentioned the same types of legal needs although the actual levels were somewhat different. Other low-income households nearly always reported higher levels of legal need in all categories with the exception of housing, guardianship, and language needs. Typically the specific types of legal needs covered the range of possible choices with few categories having one or two specific needs that accounted for most household needs in that category.

The most frequently reported categories of legal problem among eligible households, experienced a number of times by the same household in some cases, were housing (25.5% of all legal problems), health (11.8%), municipal (11.7%), consumer (11.2%), public benefits (10.1%), employment (9.3%), and family (5.6%).

⁴ For additional information about sampling, see Appendix A.

C. Components of Legal Needs by Type of Need

The specific components of all the various legal need categories are presented along

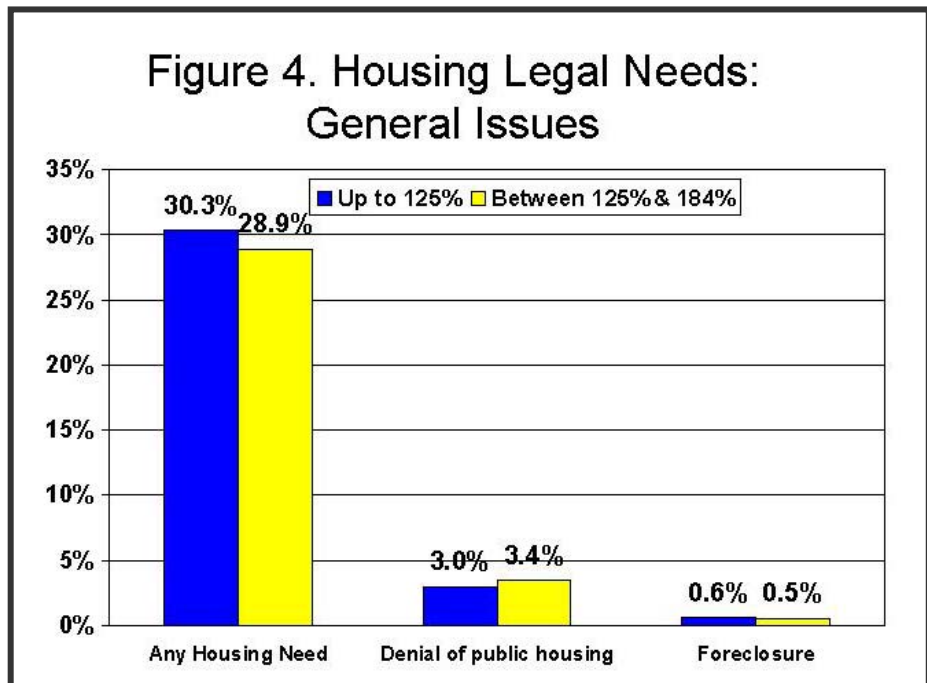


with a comparison of the rates for eligible and other low-income households. Figure 3 presents the components of the highest reported legal need category among all surveyed households – that of municipal problems.

Dangerous holes in streets and sidewalks were the most widely reported problem experienced at least once by households followed by abandoned

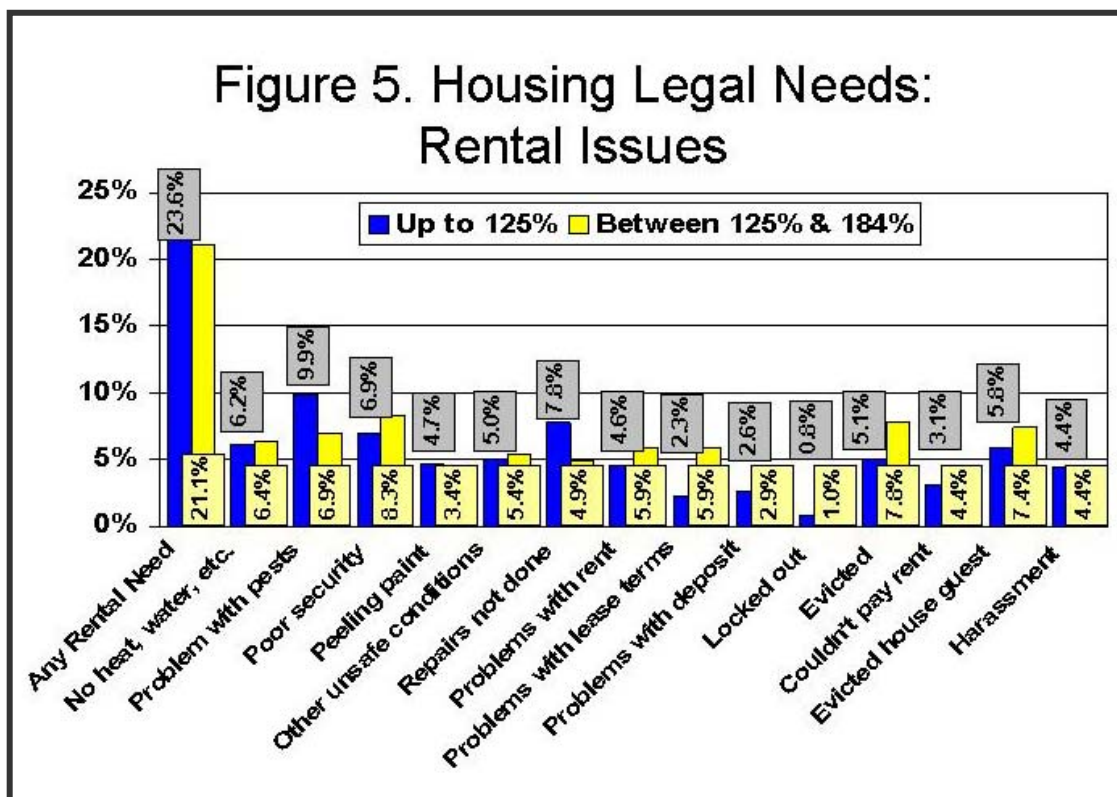
buildings and unsafe transportation. The need reported least often was garbage piling up without being collected. Again, other low-income households tended to report a higher level of all municipal legal needs with the exception of unsafe transportation than eligible households.

Figures 4 and 5 present the details of housing related legal needs experienced at least once by the eligible and other low-income populations. Figure 4 shows housing needs experienced by all households while Figure 5 shows those needs specific to the renting population. For general housing needs, nearly one in three eligible households experienced some type of housing legal need in 2002 with other low-income households experiencing a comparable rate. Denial of public housing and foreclosure were experienced by 3 percent of eligible and other low-income households during the one year period. Issues affecting renters as shown in Figure 5 were

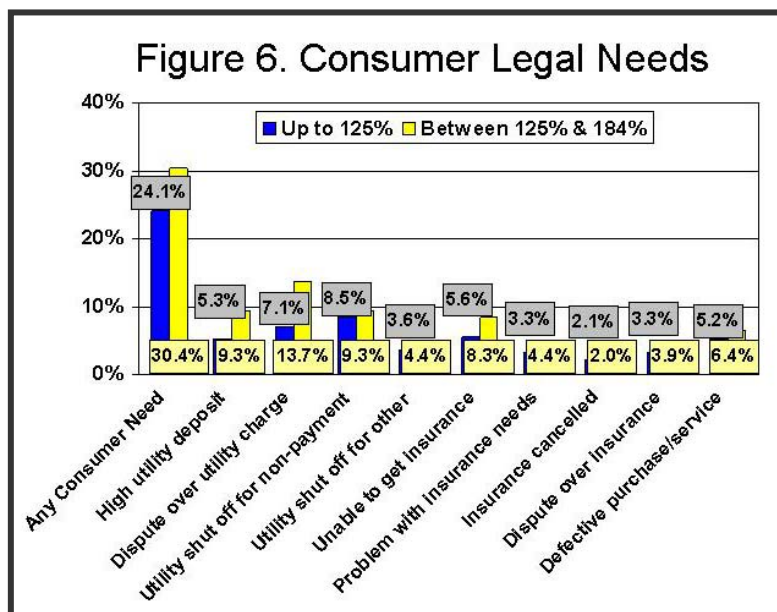


low-income households experiencing a comparable rate. Denial of public housing and foreclosure were experienced by 3 percent of eligible and other low-income households during the one year period. Issues affecting renters as shown in Figure 5 were

somewhat more widespread. Specifically, problems with pests in rental housing, repairs not done, and poor security were the most reported rental housing problems by eligible households. Other low-income households reported poor security, denial of public housing, eviction, and eviction of a houseguest as the most common rental housing problems. Other reported rental problems included no utilities, peeling paint, other



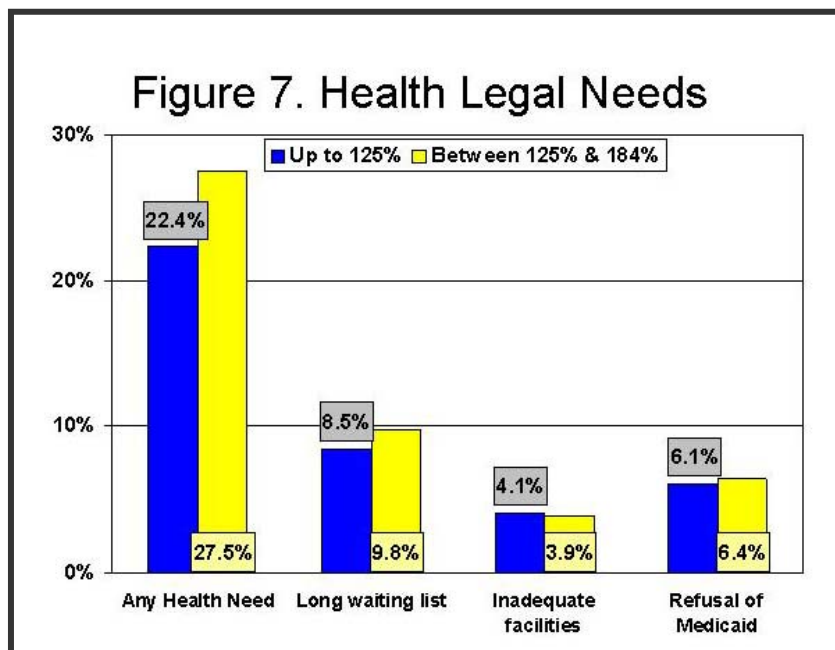
unsafe conditions, problems with rent payment, problems with lease terms, problems with a deposit, being locked out, being unable to pay the rent, and harassment by landlords. (The other housing issues concerned housing discrimination, and are shown in Figure 17).



Consumer legal needs included problems with utilities, insurance and instances when households did not receive the goods or services they had purchased either due to deficient products or an unwillingness to fix broken merchandise or shoddy workmanship. Figure 6 presents these results.

Overall, about 30 percent of other low-income households reported at least one consumer legal need as compared to roughly one in four eligible households. The

main type of consumer legal need experienced by other low-income households was a dispute over a utility charge followed by high utility deposits and utility shut off for non-payment. Other low-income households also experienced an inability to get insurance and received defective purchases or services. Eligible households had fewer consumer legal needs overall and different types. The types of consumer legal problems most experienced at least once by eligible households included utility shut off for non-payment, disputes over utility charges, inability to get insurance, high utility deposit and receipt of a defective good or service.

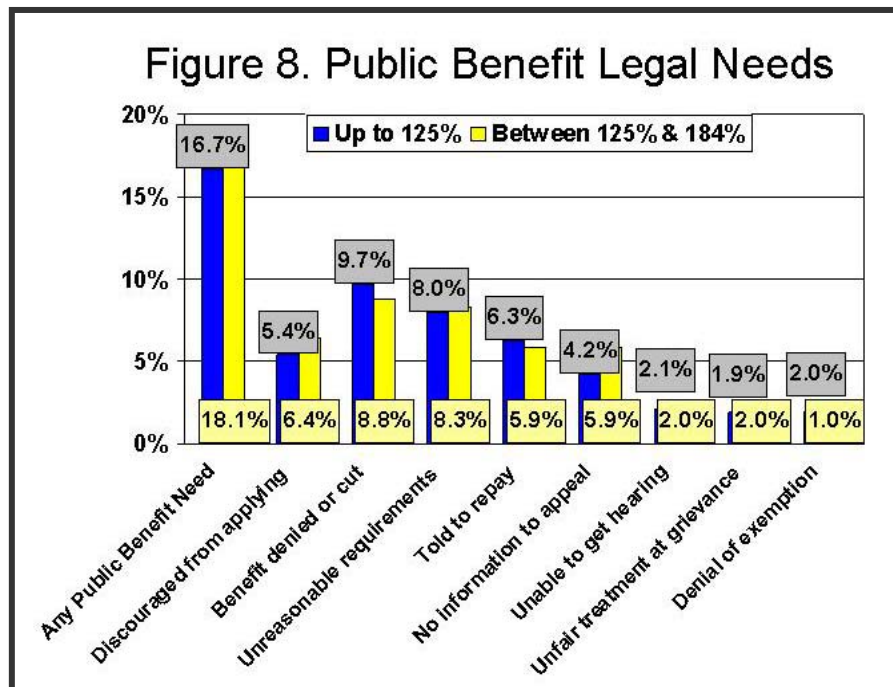


Health legal needs were also reported fairly widely by eligible and other low-income households in Massachusetts as shown in Figure 7. Figure 7 shows the general health issues (the other health issues concerned discrimination and are shown in Figure 19).

Overall, slightly more than one in five eligible households had at least one health-related legal need during the preceding 12 months. The health

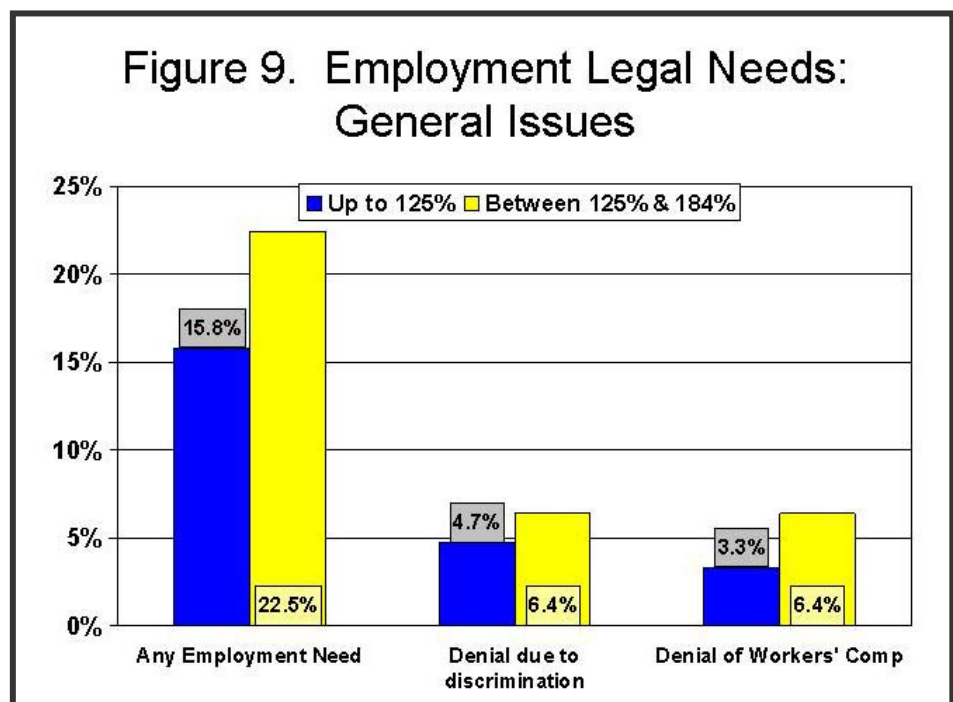
need reported most often among eligible households was the long waiting list followed by problems with refusal of Medicaid and inadequate facilities. Other low-income households experienced some health need in slightly more than one in four households. Again, the long waiting list and refusal to accept Medicaid were the main types of reported health needs.

Legal needs related to public benefits are shown in Figure 8. Nearly 17 percent of eligible households reported at least one such legal needs in the last 12 months as compared to 18 percent of other low-income households. Among the specific types of public benefit needs, nearly 10 percent of eligible households reported having their benefit denied or cut unfairly while eight percent of households reported unreasonable requirements needed to obtain benefits. The other complaints among eligible households included being told to repay money previously received (6.3%), being discouraged from applying for benefits (5.4%), not getting information on how to appeal (4.2%), being un-able to get a hearing (2.1%), being denied an exemption or extension of a time limit (2%) and receiving unfair treatment during the grievance process (1.9%).



Among other low-income households, 18 percent reported some type of legal need concerning public benefits. The types of specific grievances most reported are similar to those reported for eligible households.

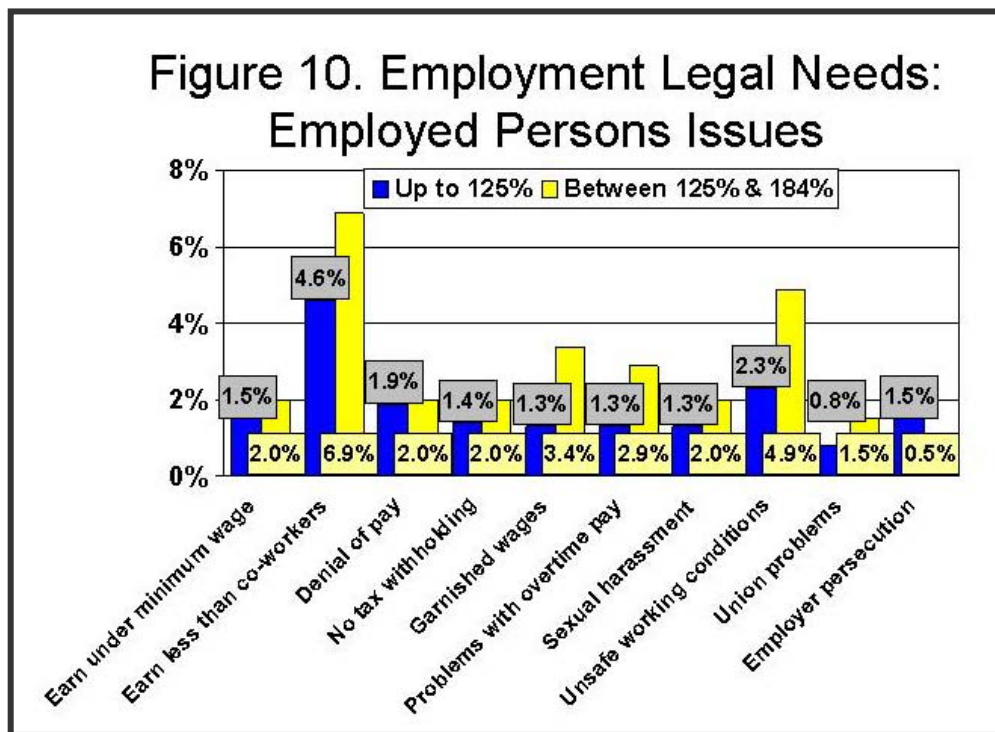
Employment legal needs were reported at least once by nearly 16 percent of eligible and 22 percent of other low-income households. Figure 9 presents employment legal needs applicable to all households while Figure 10 shows those issues affecting households with employed persons (although the percentages shown are calculated over the entire population). (The other employment legal needs concern discrimination and are presented in Figure 18).



Just under 5 percent of eligible households reported employment denial due to discrimination and only 3 percent mentioned denial of Workers' Compensation, Unemployment Compensation or access to job training. Among other low-income house-

holds, just over 6 percent reported both types of specific legal needs with respect to employment.

Among eligible households, specific employment related legal needs had an incidence of between 2 and 5 percent. Earning less than co-workers and unsafe working conditions were the types of employed person legal needs most reported.



Among other low-income households, similar trends are evident in terms of which employment legal needs were most reported. Actual reporting levels are slightly higher for all specific needs among other low-income than among eligible households.

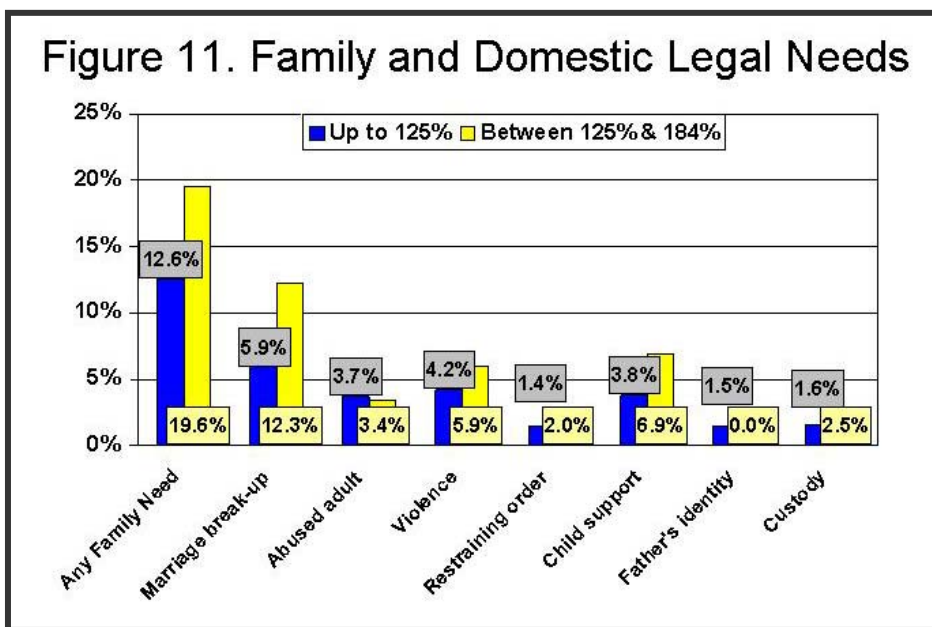


Figure 11 presents the legal needs experienced by a household at least once within the family and domestic problems category. Overall, just under 13 percent of eligible households reported a family or domestic legal need. Other low-income households reported a higher level of family and domestic legal needs at one in five

households. Marriage break-up was the most commonly reported legal need within the family/domestic category for all income groups followed by violence against a household member for eligible and award of payment of child support for other low-income households. Households reporting an abused adult occurred in just under 4 percent of households while other domestic and family problems (problems with a restraining order, custody issues and dispute about who was a child's father) were reported by fewer households.

Guardianship legal issues experienced by households at least once are presented in Figure 12. Legal

needs related to guardianship in the 12 months preceding the survey affected 8 percent of eligible and 7 percent of other low-income households. Help for an adult who could not handle his or her own affairs was the most commonly cited type of legal need at roughly 6.5% for both eligible and other low-income households.

Having a guardian appointed for an adult was the second most reported type of guardianship issue with a change in the guardianship arrangement reported least often.

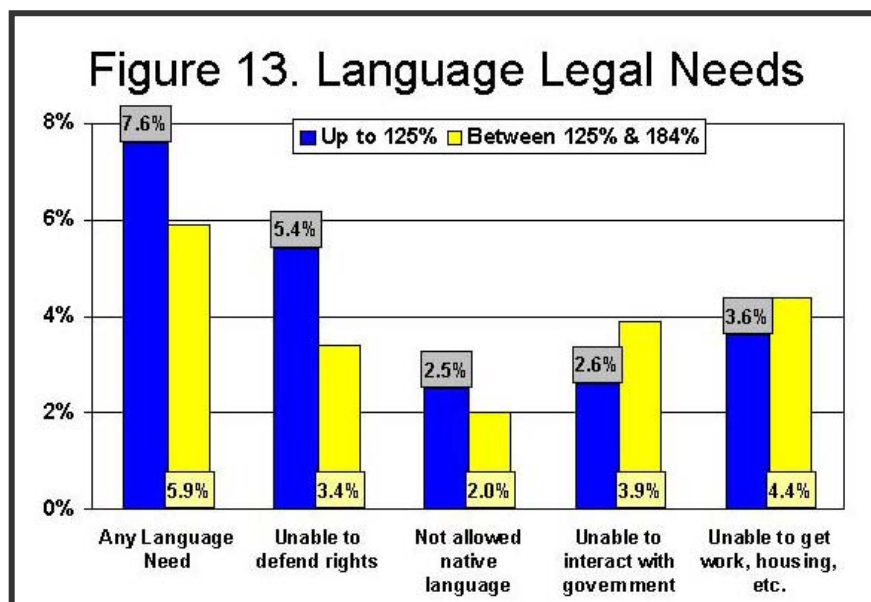
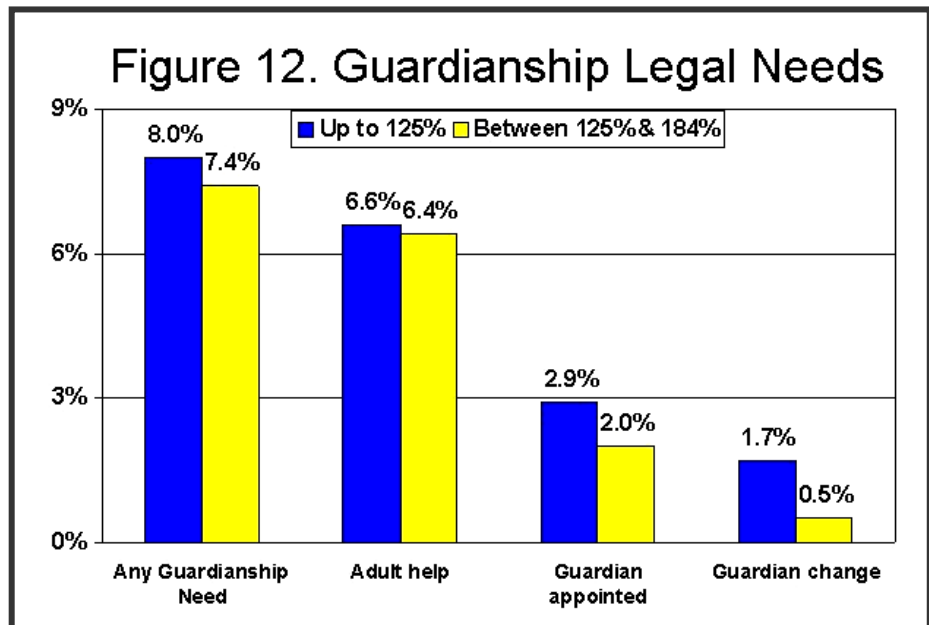
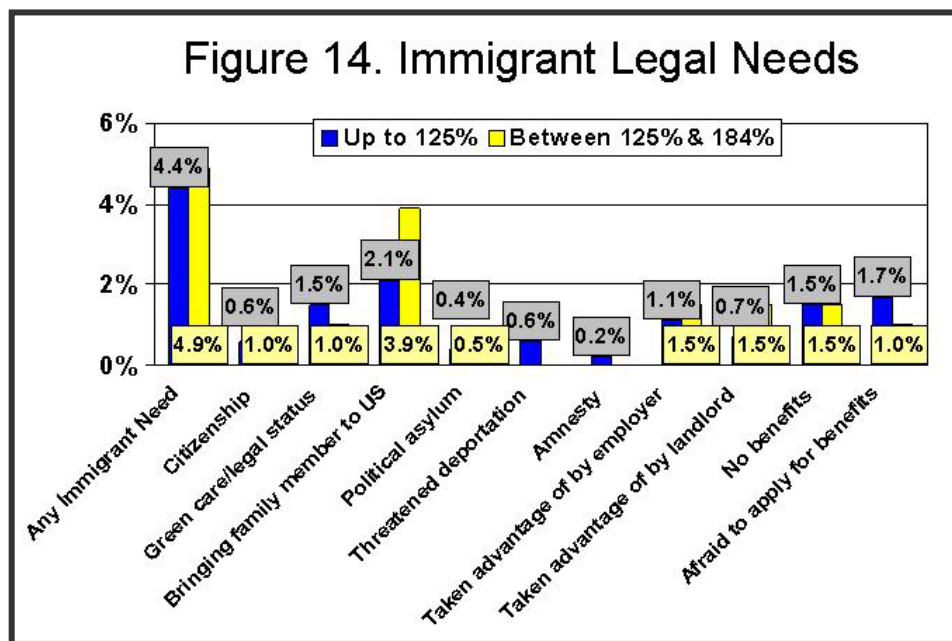


Figure 13 reports the findings for the incidence of legal needs concerning language issues. Overall among eligible households, just under 8 percent reported some type of language legal issues in the 12 months before the survey. Most commonly these households reported an inability to defend their rights due to poor English followed by difficulty in getting work, housing or education.

About 2.5% of house-holds reported having problems interacting with government agencies or not being allowed to speak their native language.

Among other low-income households, problems with language-related issues affected a smaller 6 percent. The major reported problem was difficulty in getting work, housing or education, followed by difficulty interacting with government agencies. Smaller percentages reported problems with being unable to defend their rights due to poor English or not being allowed to speak their native language.

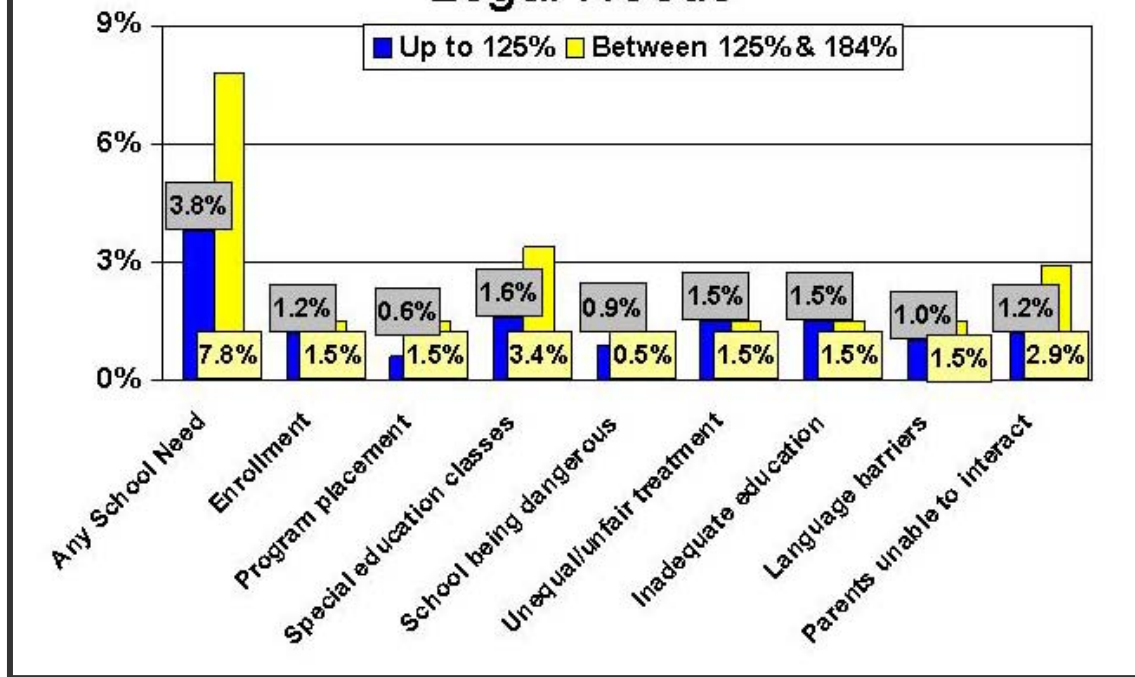
Figure 14 presents legal issues associated with immigrant status. Any type of immigrant legal need was reported at least once by 4.4 percent of eligible and 4.9 percent of other low-income households. Among eligible households, bringing a family member to the U.S. was the most reported problem with all other problems being reported by less than 2 percent of all households.



Among other low-income households, the same pattern emerges with just under 4 percent mentioning problems with bringing a family member to the US.

Figure 15 presents the findings for legal needs related to schooling for children. Overall, 4 percent of eligible households reported any type of legal problem related to schooling happened at least once. The most cited problem was difficulty getting special education classes or services for a child.

Figure 15. Children's Schooling Legal Needs



For other low-income households, need for schooling of children was twice as common with 8 percent of households citing some type of children schooling issue. The most commonly cited type of schooling issue by other low-income households was difficulty getting special classes or services followed by the parent being unable to interact with the school.

Three legal needs categories, advance directives, harassment by government, and elder abuse, required only one question. The percentage of households reporting these needs are shown in Figures 1 and 2. For advance directives which consist of living wills or power of attorney, 7 percent of all eligible and 12 percent of other low-income households cited this legal need in the previous 12-month period. Harassment by government legal needs were reported by roughly 4 percent of both eligible and other low-income households, while elder abuse legal needs (i.e., abuse of or other problems for an elderly relative) were experienced by one percent of all eligible and 3 percent of other low-income households.

Discrimination

The Massachusetts Legal Needs Survey asked respondents about a number of situations in which discrimination could be involved. The main areas in which discrimination was explored were in housing, employment and health (discrimination due to disability). Overall, 27 percent of eligible households believed that they had suffered some type of discrimination in the last year. Among other low-income households, nearly one in three reported some type of discrimination in the last 12 months.

Figure 16 shows the levels reported by eligible and other low-income households for each category of discrimination. Among categories of discrimination, both eligible and other low-income households reported the most legal need in health discrimination closely followed by 15 percent of all surveyed households reporting some type of housing discrimination in the 12 months before the survey. The lowest reported type of discrimination was for job discrimination at 6 percent of eligible and 9 percent of other low-income households.

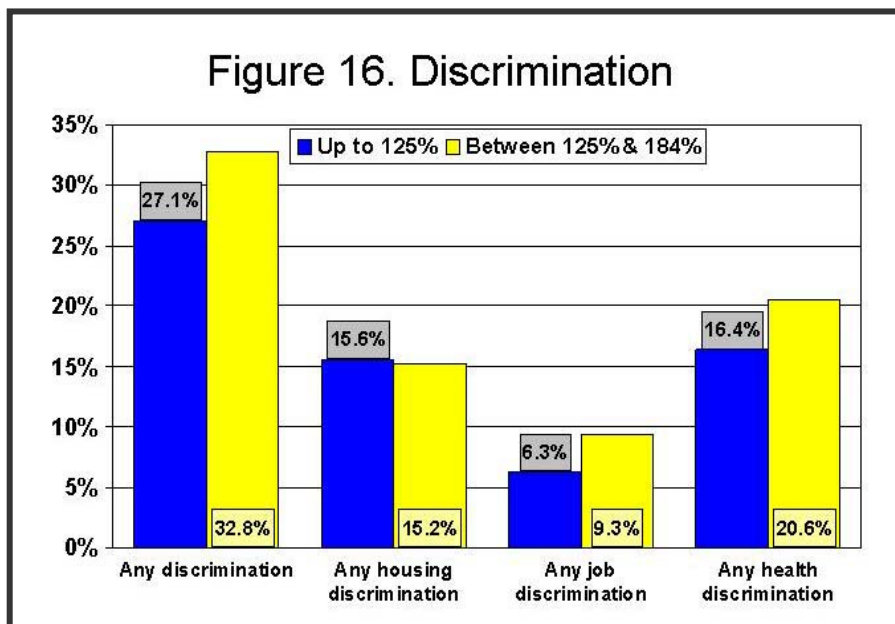
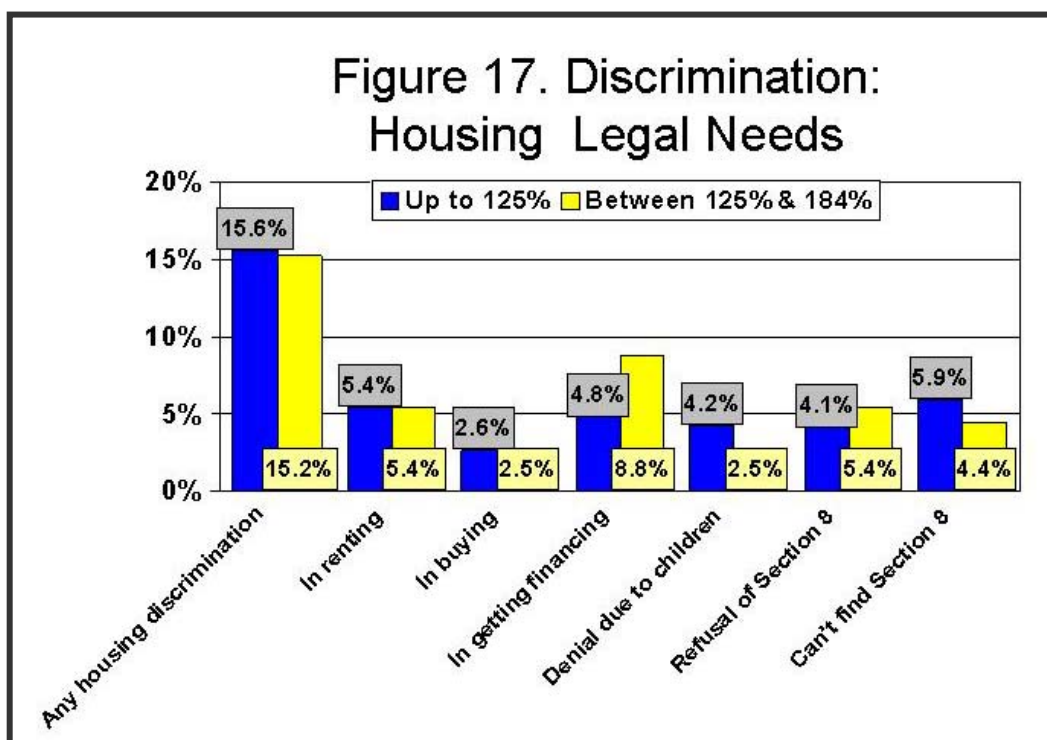


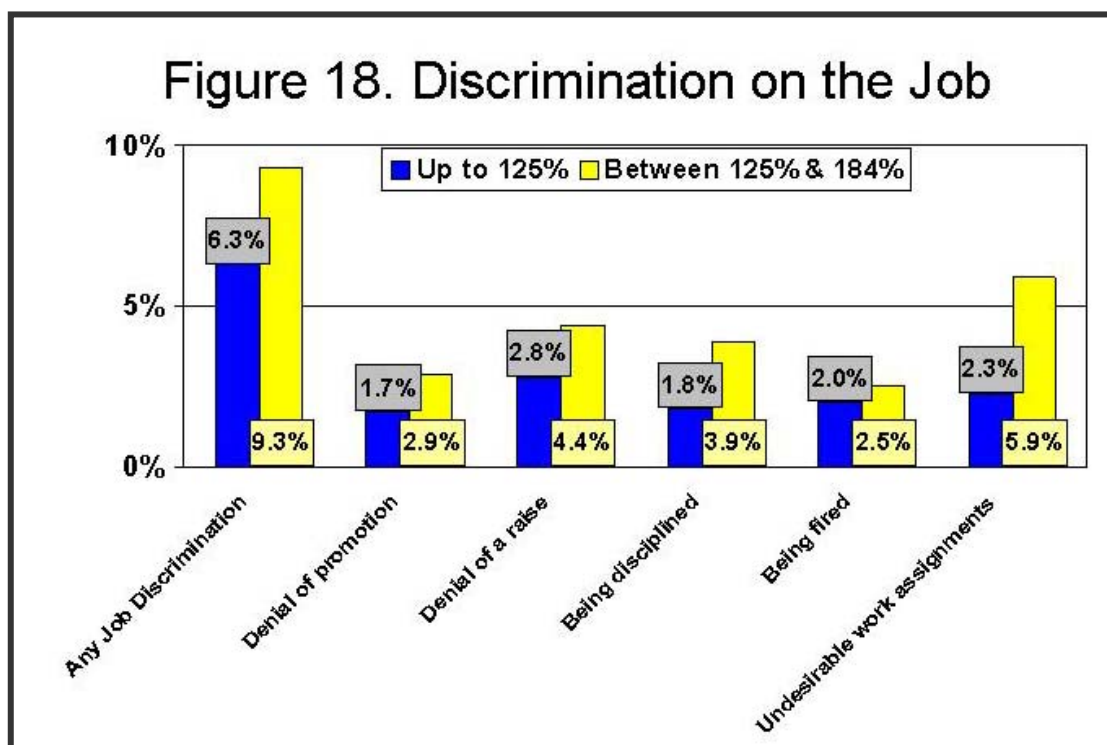
Figure 17 presents the discrimination information for housing. Within housing, the main type of discrimination cited was the inability to find Section 8 housing followed closely by renting discrimination at just over 5 percent of households. All other types of housing discrimination were reported by less than 5 percent of households.

Among other low-income households, the main specific type of housing discrimination was in receiving financing. Inability to find Section 8 housing and discrimination in renting were other reported types of housing discrimination among other low-income households.



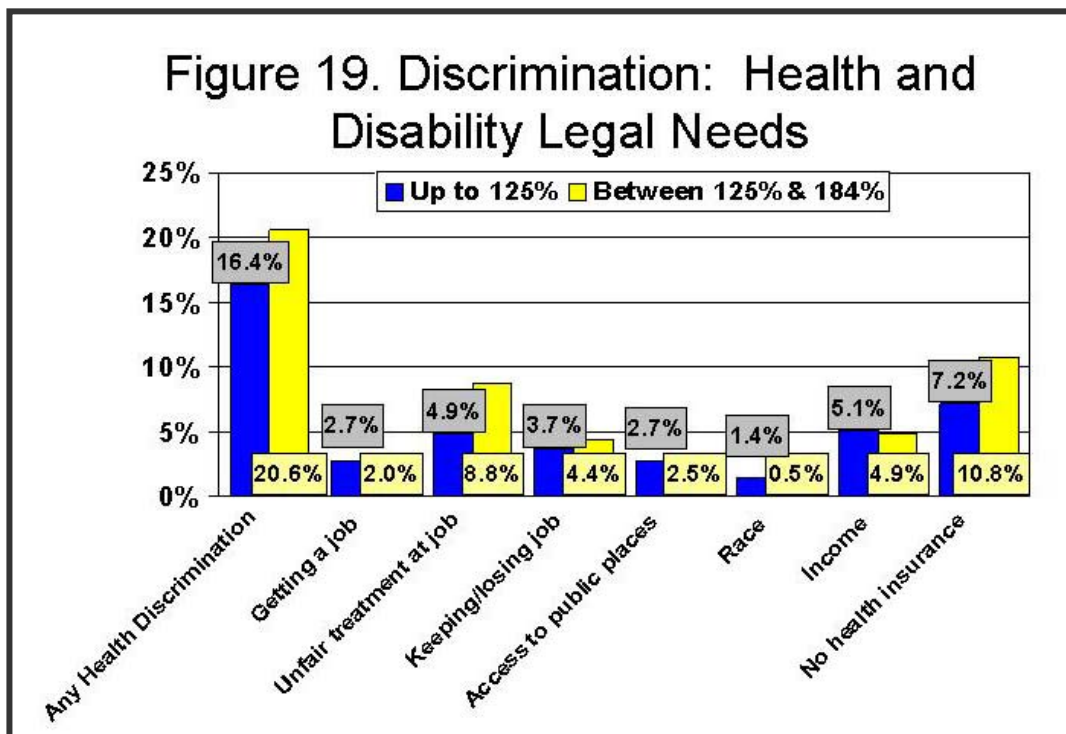
Information concerning discrimination in employment is presented in Figure 18. Overall, 6 percent of eligible households reported some type of employment discrimination in the 12 months preceding the survey. The main type of discrimination reported was a denial of a raise due to discrimination at 3 percent followed by being given undesirable work assignments due to discrimination. Discrimination in being fired, being disciplined, and the denial of a promotion were all reported by about 2 percent of eligible households.

Among other low-income households, 9 percent of households reported discrimination



with undesirable work assignments being the main type of employment discrimination reported (6 percent). Denial of a raise and being disciplined due to discrimination were reported by roughly 4 percent of other low-income households. The denial of a promotion (3 percent) and being fired due to discrimination (2.5 percent) were also reported.

Figure 19 shows legal needs related to health discrimination. Sixteen percent of eligible households had some type of health or disability discrimination legal need in the 12 months before the survey. The main type of health discrimination was due to having no health insurance. Unsatisfactory health care due to income discrimination was the only



other item to affect more than 5 percent of eligible households.

For other low-income households, some type of health or disability discrimination was reported by one in five households. No health insurance was most often reported as the specific issue followed by receiving unfair treatment at a job.

Finally, some households reported situations in which an immigrant had been “taken advantage of.” These situations may constitute Immigrant Discrimination, but they are reported with other immigrant legal needs in Figure 14 rather than here.

IV. DETAILS OF LEGAL NEEDS ENCOUNTERS

Chapter III presented information about the level or incidence of legal need among eligible and other low-income Massachusetts households. The Massachusetts Legal Needs Survey also asked a series of questions to those who mentioned some type of legal need in the first part of the survey.

For households mentioning between one and five legal needs, a detailed series of follow-up questions were asked about each of these legal needs. For households that mentioned more than five legal needs, the most troublesome legal need was identified along with four additional randomly selected legal needs. The details of all the figures in this chapter appear in Appendix C, Tables C21a-C24b, while the number of problems studied appears in Tables C5a and C5b. Households not citing any legal needs were not asked any follow-up questions but preceded immediately to the survey's final section, the demographic information.

Figure 20. Weighted Frequency of Analytical Categories of Legal Needs Reported by Households by Income

Number of Legal Issue Categories	Income up to 125%		Income between 125% and 184%	
	<i>No. of households</i>	<i>No. of problems</i>	<i>No. of households</i>	<i>No. of problems</i>
0	600	0	55	0
1	387	387	48	48
2	218	436	15	30
3	169	507	26	78
4	98	392	18	72
5	95	475	5	25
6-10	168	1,253	28	221
11 or more	65	867	11	151

Figure 20 presents the distribution of the number of legal need reported cases (or households) and the number of problems reported by households by income group. One-third of households with incomes up to 125% of the Federal poverty guidelines reported no legal needs in the 12 months preceding the survey. Twenty-two percent (or 387 households) reported one legal, 12 percent two legal needs and an additional 9 percent reported three legal

needs. Five percent of eligible households reported four and five legal needs, respectively. Thirteen percent (or 233 households) reported more than five legal needs. Because these households had many legal needs, however, they experienced sixty percent of all legal needs.

Overall, roughly half of all surveyed households were asked follow-up questions on all mentioned legal needs. Just over 50 percent of reported problems were queried for additional information with the follow-up questions. Those households citing more than five legal needs were asked about their most troublesome legal need and four additional randomly selected reported needs. All of the legal needs for which follow-up questions were not asked were experienced by families with more than five legal needs.

Figure 21 presents the numbers of reported problems and those asked about more details (receiving the follow-up questions) by legal need category. Follow-up questions were posed form between 23 percent of immigrant legal problems to 86 percent of advance directive legal problems.

The first follow-up question asked what action or actions the household had taken (if any) with respect to the discussed

legal need. If the household had sought help from either a private lawyer or a legal aid organization, they were next asked what actions the private lawyer or legal aid organization had taken on their behalf concerning the legal need. All households that had taken some type of action were then asked about their satisfaction with the outcome or resolution of the legal need. Finally, if household respondents said that no action had been taken regarding the legal need, the follow-up question queried the main reason no action was taken. This chapter will present the findings concerning actions taken, satisfaction with the outcome and reasons given why no action had been taken, while Chapter V will examine the details of legal problems when private lawyers and legal aid organizations were consulted.

Because of an error in data collection, no follow-up questions were asked regarding two types of legal need: “problems with pay at job” and “immigration status problems⁵.” Since pay problems constituted thirty percent of employment-related legal needs (the largest sub-category) and status problems constituted forty-nine percent of immigration-related problems, these were significant omissions. To avoid inappropriate comparisons of total need data and the analysis of follow-up questions, the follow-up employment problems are called “non-wage employment” and the follow-up immigration problems are called “immigrant discrimination.”

Figure 22 presents the actions taken at least once by households for each type of legal need among households with incomes under 125% of poverty guidelines. Households

Figure 21. Number of reported and studied problems by category for households with incomes up to 125%

Category of Legal Need	Weighted Number of Cases Reported	Weighted Number of Problems Studied
Municipal	829	503
Housing	1,798	714
Family and Domestic	396	260
Children's Schooling	169	55
Elder Abuse	25	20
Guardianship	204	111
Advance Directives	132	113
Employment	657	212
Health	834	382
Public Benefits	714	252
Consumer	790	432
Government Harassment	68	48
Language Difficulties	253	102
Immigration	188	43

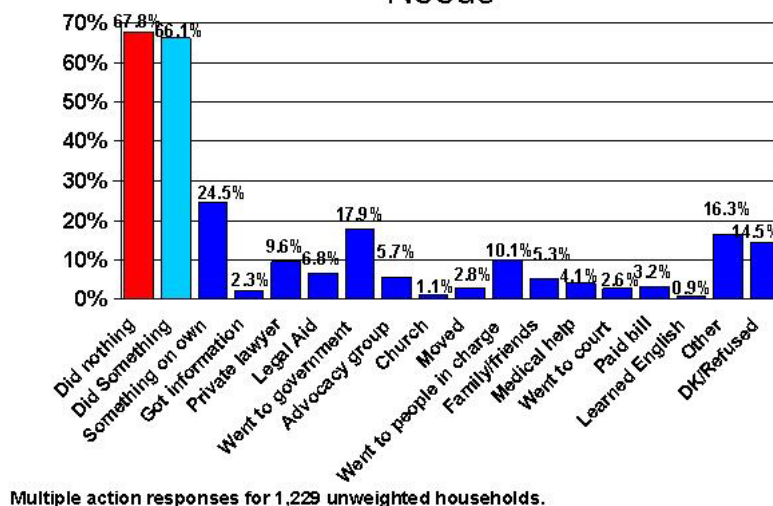
⁵ This computer problem largely accounts for the low proportion of immigration legal needs that had follow-up questions.

could give multiple responses so the percentages reflect the percentage of households taking an action for any legal need that they reported.

Nearly 7 in 10 eligible households reported taking no action for at least one reported legal need and a similar percentage took some action for at least one reported legal need. When all legal need encounters are included, no action was taken 45 percent of the

time. When action was taken, twenty-five percent of households reported doing something on their own such as protesting or refusing to pay. Almost one in five households complained to a government agency concerning their legal need. Ten percent of households reported going to see the people in charge with respect to their legal need at least once (this varied depending upon the specific need with households reporting going to see the principal when the need concerned schooling or their employer when it concerned employment) and seeking help from a private lawyer. Seeking help from a legal aid organization was reported by 7 percent of households for some legal need. Other actions reported by households included seeking help from a community or advocacy group or a charitable organization; seeking help from family or friends; seeking medical help; paying an outstanding bill or settling the problem themselves; moving; getting or using published information such as legal forms, books or the Internet; learning English; going to court; or seeking help from a church. Doing something else was reported by 16 percent of households.

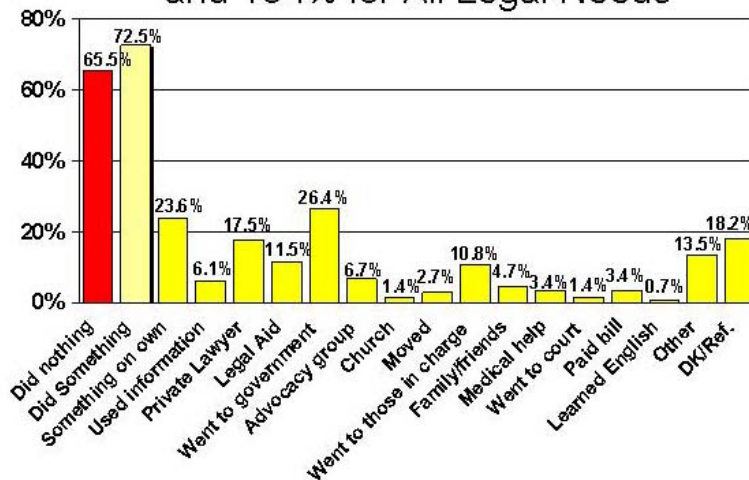
Figure 22. Actions Taken At Least Once by Households with Incomes to 125% for All Legal Needs



Multiple action responses for 1,229 unweighted households.

Figure 23 presents the actions taken by households with incomes between 125% and 184% of the poverty guidelines. Overall, about two in three other low-income households did nothing at least once for some legal need reported in the survey and a slightly higher percentage (7 in 10) took some action for at least one reported legal need. When all legal need encounters are included, no action was taken 37 percent of the time. The most common action taken was to complain to the government at 26 percent followed by doing something on their own at 24 percent of households. Seventeen percent of households sought help from a private lawyer and 11 percent used a legal aid organization for assistance with some legal problem. One in ten other low-income households reported going to someone responsible to try to resolve their legal issue.

Figure 23. Actions Taken at Least Once by Households with Incomes between 125% and 184% for All Legal Needs



Multiple action responses for 149 unweighted households.

For eligible households, an examination of actions taken by type of legal issue follows. The most common single action taken overall among eligible households with some type of legal need in the 12 months preceding the survey was to take some type of action on their own.

Figure 24. Did Something on Own at Least Once by Legal Issue Category

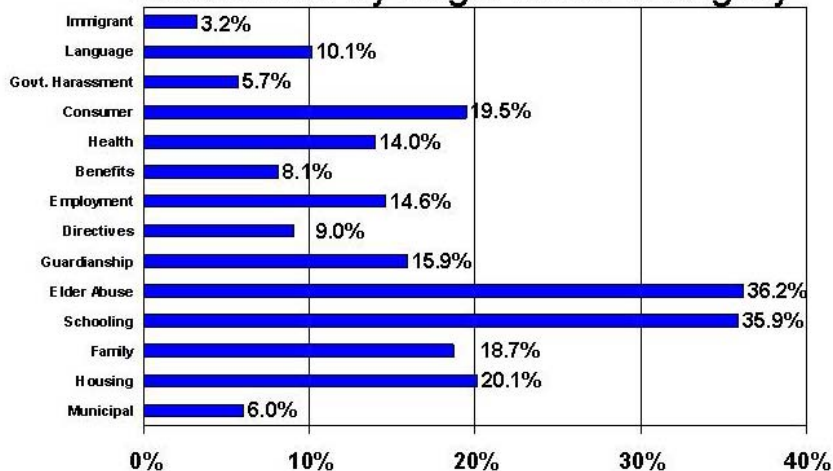
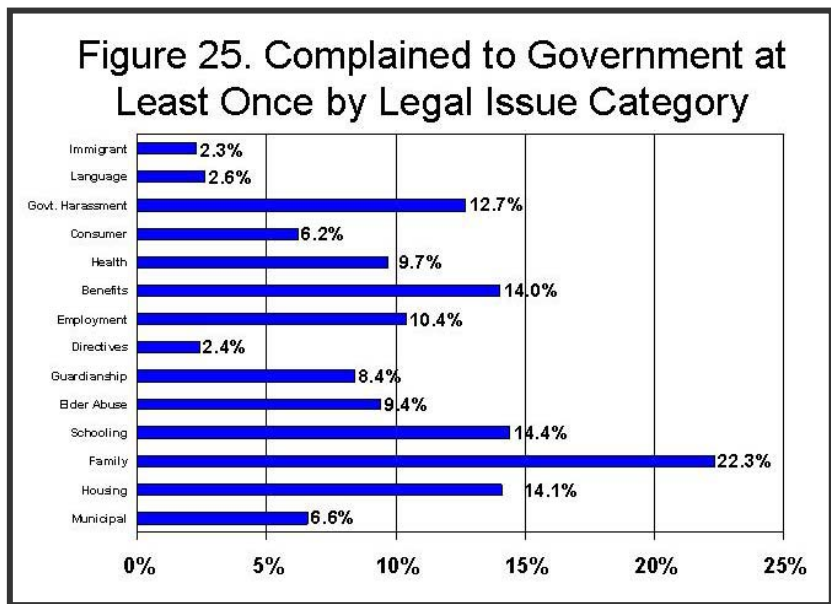


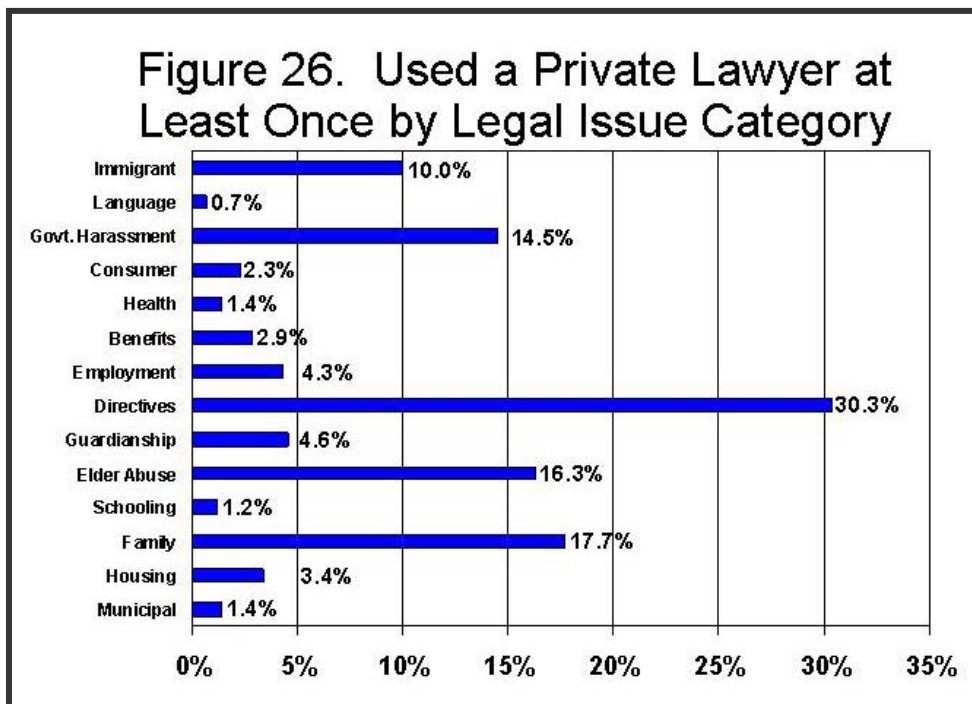
Figure 24 presents the percent of eligible households taking some action on their own at least once by legal issue. Clearly, taking some type of action on their own was most common for legal issues pertaining to elder abuse or schooling at one in three for households with these issues. One in five households took some type of action on their own when they experienced a legal need in the housing, consumer, or family/domestic areas. Those households with immigrant discrimination needs rarely took action on their own.

consumer, or family/domestic areas. Those households with immigrant discrimination needs rarely took action on their own.

Figure 25 presents the percentage of eligible households with different types of legal needs that complained to the government at least once. Households with family/domestic legal needs were most likely to complain to the government at 22 percent. Fourteen percent of households with schooling, housing and public benefit legal issues responded that they had complained to the government at least once. Few households with legal issues concerning advance directives, immigration discrimination or language complained to the government.



Few households with legal issues concerning advance directives, immigration discrimination or language complained to the government.



Overall, one in ten eligible households used a private lawyer for a legal issue. Figure 26 shows the breakdown in the use of private lawyers by legal issue category. Households with advance directive legal needs most often used private lawyers (about 30 percent). Those households with family and domestic, elder abuse, govern-

ment harassment or immigrant discrimination legal issues were also more likely to use private lawyers than for other problems. Private lawyers were rarely used for schooling, language, health or municipal legal needs.

Legal aid organizations were used at least once by 7 percent of eligible households overall, and most often by households reporting a family and domestic issue, the need for some type of advance directive, and housing legal needs as shown in Figure 27. Households with guardianship or language needs did not report using legal aid organizations.

Figure 27. Used a Legal Aid Organization at Least Once by Legal Issue Category

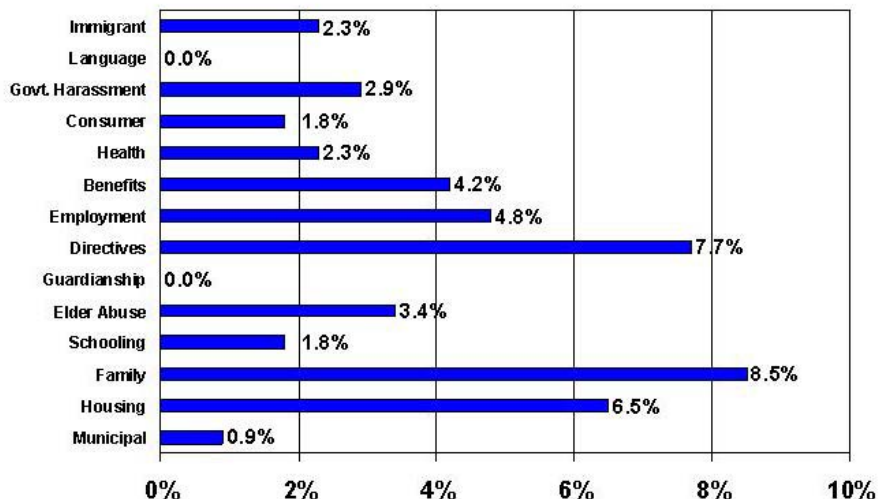


Figure 28. Some Action Taken at Least Once by Legal Issue Category

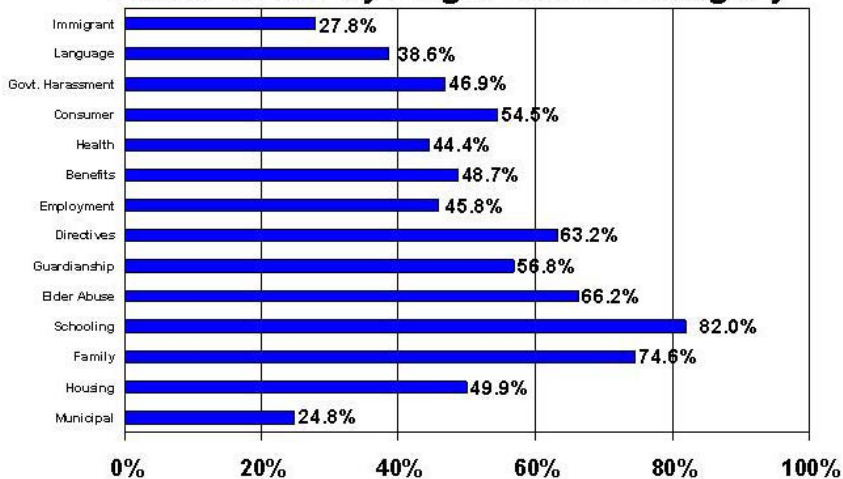


Figure 28 shows the percentage of households taking some type of legal action at least once by legal issue category. Overall, households most often took some type of action for a schooling legal need followed by family and domestic needs, elder abuse needs and advance directives. Households were least likely to take some type of action at least once for municipal

legal needs.

Many households reporting a legal need did not take any action at least once. Fully 68 percent of households responded that they had taken no action for at least one reported legal issue in the past 12 months.

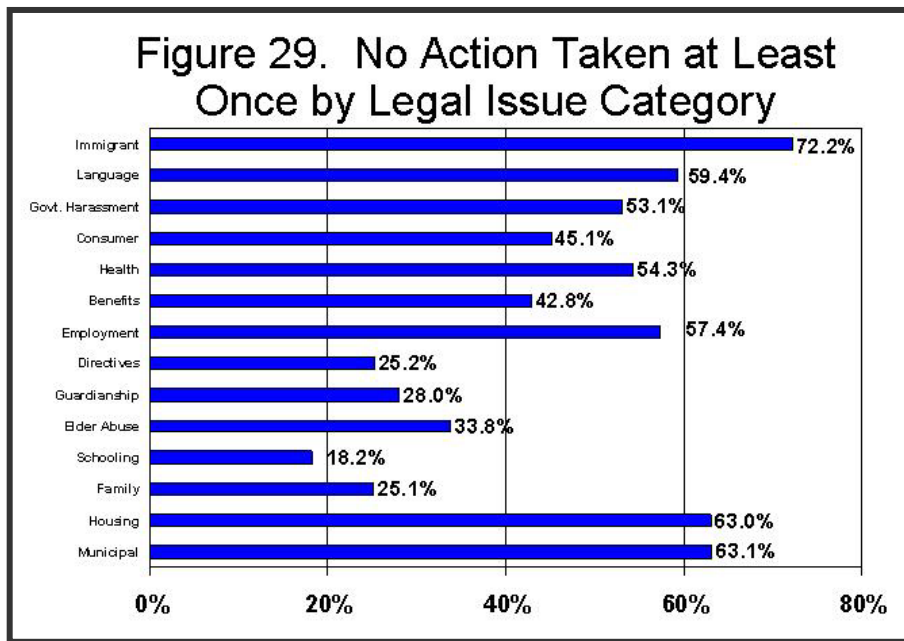
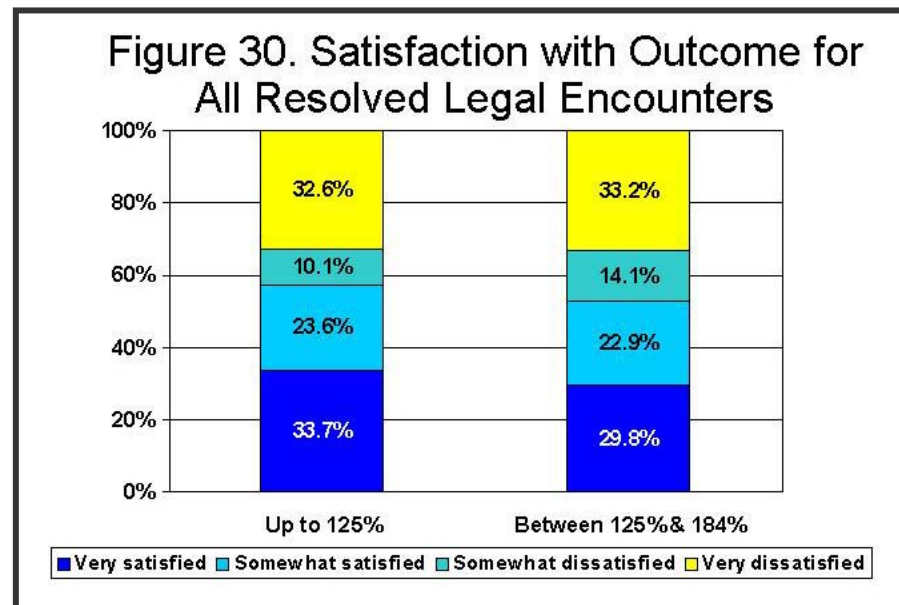


Figure 29 presents the percent of households experiencing each type of legal problem who took no action in response to at least one such problem. Households reporting immigrant discrimination legal problems were the most likely to take no action at over 70 percent. Sixty percent of households mentioning legal needs in the areas of municipal, housing,

language and non-wage employment took no action at least once. Over half of eligible households reporting health and government harassment legal needs also reported taking no action. Households were most likely to take some action if they experienced a schooling, family or domestic, advance directive or guardianship legal need.

Figure 30 presents information on overall satisfaction with legal issues that had been concluded. In this figure, households may be represented more than once because many households had more than one concluded legal issue and the basis for the calculation is all resolved legal encounters. This figure, and all others dealing with outcome satisfaction, excludes all reported legal needs where the household did nothing, the outcome is still pending, the household responded, "Don't know" or the household refused to give a level of satisfaction. As a result, the outcome satisfaction data is based on 43.8% of the legal needs studied. Light colors show levels of satisfaction (very and somewhat) while the dark colors show levels of dissatisfaction (very and somewhat).

Among legal encounters reported by eligible households as shown in Figure 30, about one-third of these encounters left the household very satisfied with the out-come at least once. Overall, households reported that they were satisfied with the out-come for 57 percent of encounters. Thus, 43



percent of encounters for eligible households resulted in dissatisfaction with the outcome. Among legal encounters resolved that affected households with incomes between 125% and 184% of the poverty guidelines, 53 percent of encounters resulted in satisfaction with the outcome while 47 percent of encounters were deemed unsatisfactory.

Figure 31. Satisfaction with Resolved Encounters by Legal Need Category: Incomes up to 125%

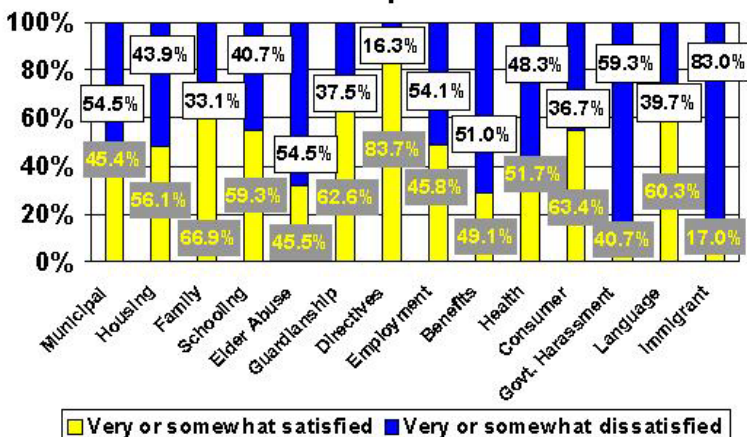
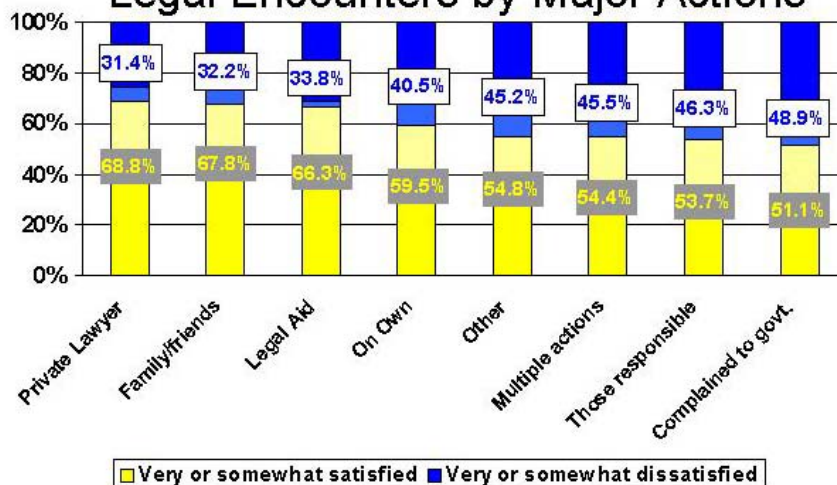


Figure 31 examines the distribution of satisfaction for legal encounters among eligible households by area of legal need. The area in which the largest proportion of households was satisfied with the outcome was for advance directives followed by family/domestic legal needs (although satisfaction with child support outcomes was low). Immigrant discrimination legal issues had the largest proportion of households saying they were dissatisfied with the outcome.

Other areas where more households were dissatisfied than satisfied with the outcome included government harassment, elder abuse, municipal, non-wage employment, and public benefit legal needs. Similar information for other low-income households cannot be shown due to very small numbers.

Figure 32 examines satisfaction among eligible households by their action for all legal needs. The actions listed are the most common actions taken among households who only took one action for each legal issue, while the final category looks at satisfaction with the outcome among households who took more than one action. Households who only used a private lawyer for any legal issue show the highest level of satisfaction closely followed by those who sought help from

Figure 32. Satisfaction with Resolved Legal Encounters by Major Actions



family or friends. Use of a legal aid organization also resulted in higher levels of households responding that they were satisfied with the outcome. Households who took multiple actions, talked to those responsible, or complained to the government with respect to their legal need were the least satisfied as shown by the relatively high level of respondents saying they were dissatisfied with the outcome.

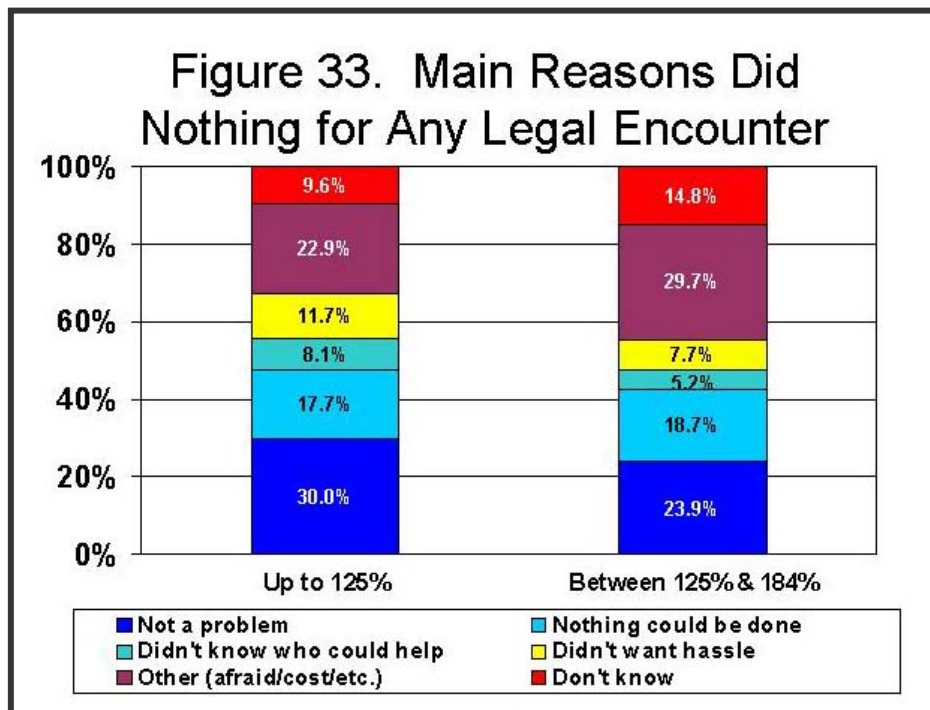


Figure 33 examines the reasons given by households as to why they took no action. This figure examines all legal needs for which households took no action, indicating the unit of analysis is all legal encounters where the household did nothing. About 30 percent of eligible households doing nothing reported that the situation was “not a problem (just the way things are)”. Eighteen percent said

nothing could be done about the situation while an additional 8 percent did nothing because they did not know who could help with the situation. Twelve percent of legal needs where nothing was done were due to the household not wanting the hassle, while 23 percent was due to other reasons such as being advised that the need was not worth pursuing, not wanting a public dispute, being worried about the cost, being afraid or intimidated, not having time to do something about it, or believing the problem to be resolved. In fully 30 percent of all legal encounters experienced by eligible households no action was taken because the household perceived that it was not a problem.

Among legal needs where no action was taken for other low-income households, 24 percent were due to the perception that the need was not really a problem. Nineteen percent of reported needs where nothing was done were due to the household believing that nothing could be done and 5 percent occurred when the household did not know who could help. Eight percent of these legal encounters had no action taken since the household did not want the hassle. Just under 30 percent were due to other reasons and over one in eight gave no reason for their inaction.

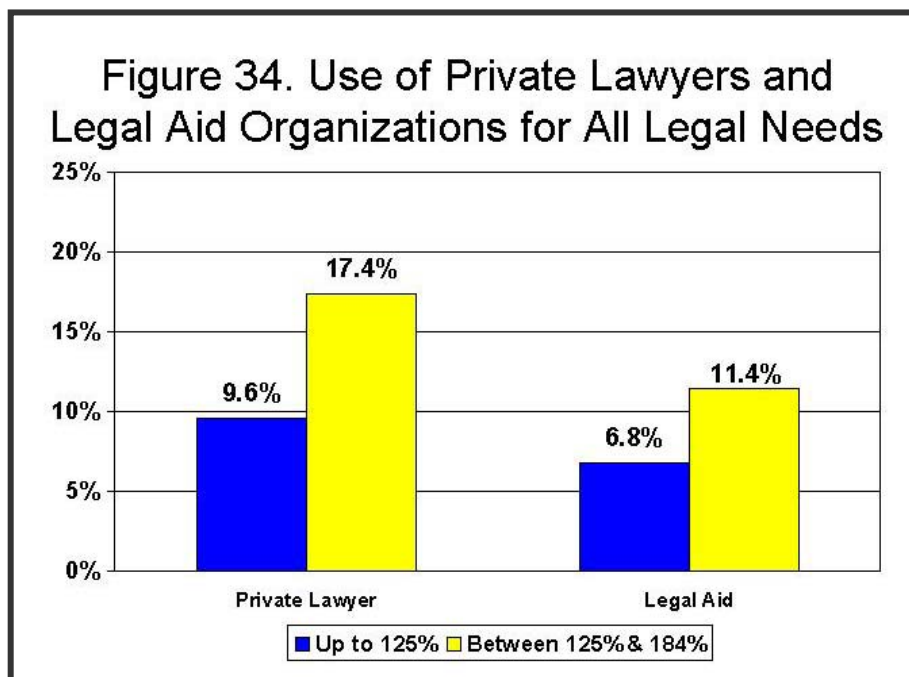
This chapter examined the details of any legal need identified during the Massachusetts Legal Needs Survey in terms of actions taken, satisfaction with the outcome, and reasons for inaction. In almost half of all instances of legal need, the main action taken was no action for both eligible and other low-income households. When action was taken, it was most likely to be something the household does on its own. Legal experts (either private lawyers or legal aid organizations) were most often used for assistance

on advance directives, family and domestic issues, elder abuse, and government harassment. While satisfaction with the outcome of various types of legal needs varied, using private lawyers and legal aid organizations tended to result in higher levels of satisfaction with the eventual outcome.

V. USE OF PRIVATE LAWYERS AND LEGAL AID ORGANIZATIONS

Of special interest in this study is the use of private lawyers and legal aid organizations during the 12 months prior to the survey by eligible and other low-income households. Given the mandate of MLAC to serve these populations, the most recent experience including the reasons for visiting these specialists, their actions upon visitation and satisfaction with private lawyers and legal aid organizations can assist with planning for future needs. This chapter will first review the overall levels of use of these providers and then discuss the actions taken and satisfaction with use. Appendix C Tables C25a to C26b presents this information.

Figure 34 recaps the overall use of private lawyers and legal aid organizations by

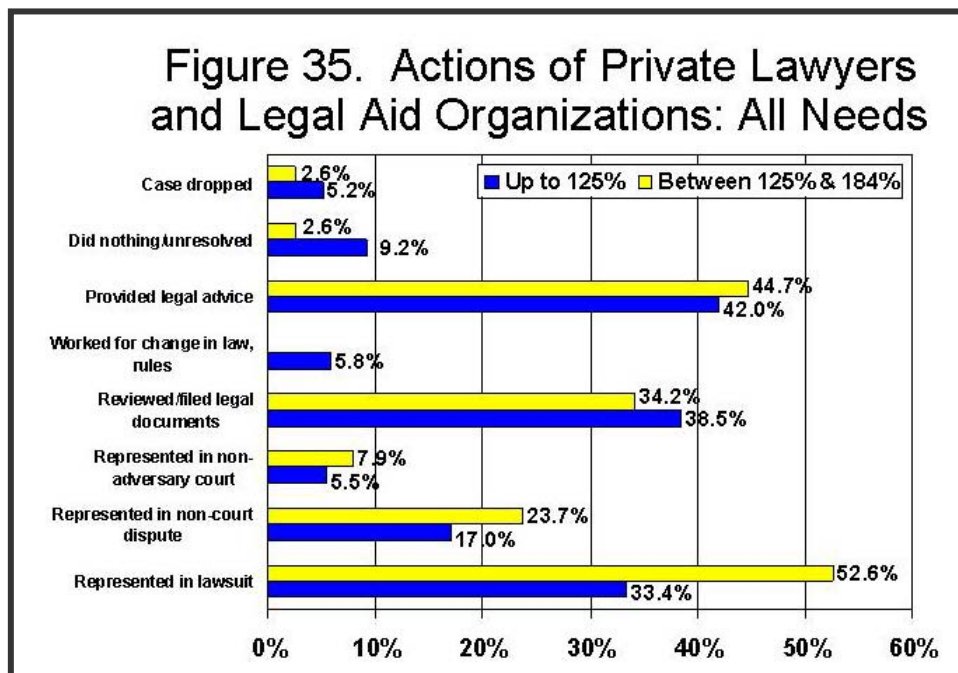


income while Figure 35 shows the use of private lawyers by topic area. Overall, private lawyers were used by 10 percent of eligible households compared to 7 percent using a legal aid organization. In contrast, 17 percent of other low-income households used a private lawyer while 11 percent used a legal aid organization. Figures 26 and 27 presented the use of private lawyers and legal aid organizations by legal issue for

eligible households. Both private lawyers and legal aid organizations were most widely used for family and domestic matters and advance directives. Private lawyers were also used for elder abuse issues, government harassment issues; and immigration matters. Legal aid organizations were used for housing related legal matters. Roughly the same findings are apparent for other low-income households despite the small sample size. Private lawyers were also used in guardianship matters by this income group while legal aid organizations assisted with public benefit problems.

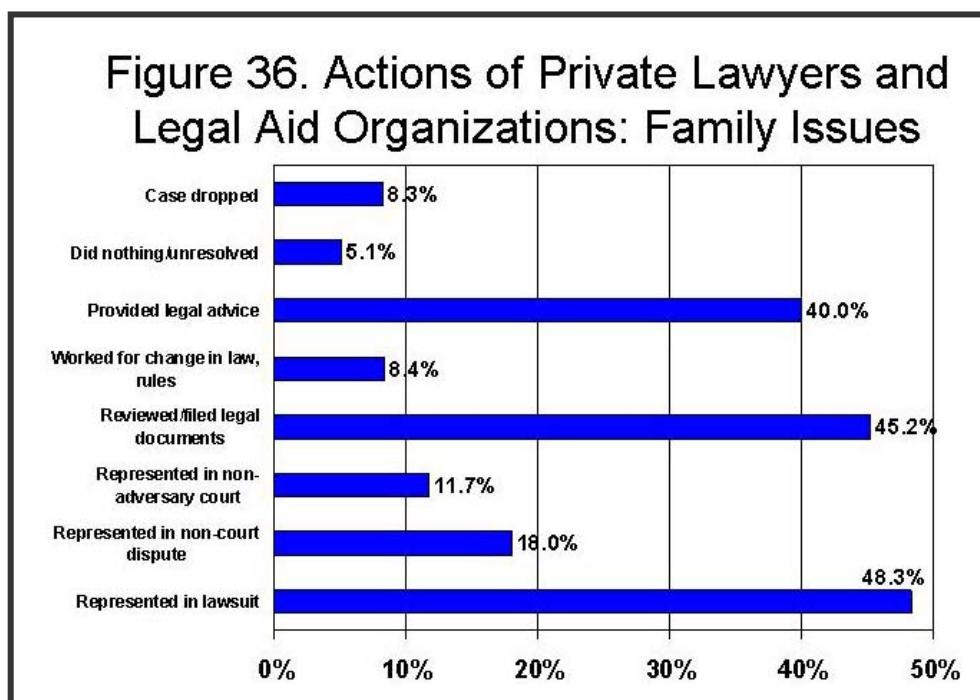
When households did use private lawyers and legal aid organizations, they were asked about the actions taken by these legal experts. Respondents could give multiple actions; thus the percentages in the graph represent the proportion of households who used a lawyer or legal aid organization at least once and the actions taken by these legal specialists. This is graphically shown in Figure 35 for all legal needs. Among households earning up to 125% of the poverty threshold who used a private lawyer or legal aid organization in the past 12 months (n=169 households involved in 216 legal encounters), private lawyers and legal aid organizations most often provided legal advice (42 percent). Nearly 39 percent of eligible households using these legal experts

mentioned that legal documents were reviewed, prepared or filed, while one-third of households were represented in a hearing or lawsuit. Seventeen percent of households who used lawyers/legal aid organizations mentioned that these legal service providers intervened or represented them in a non-court dispute, while 9 percent mentioned that the lawyer/legal aid organization was consulted and had done nothing or did nothing up to the time of the survey. Finally, about 6 percent of eligible households using



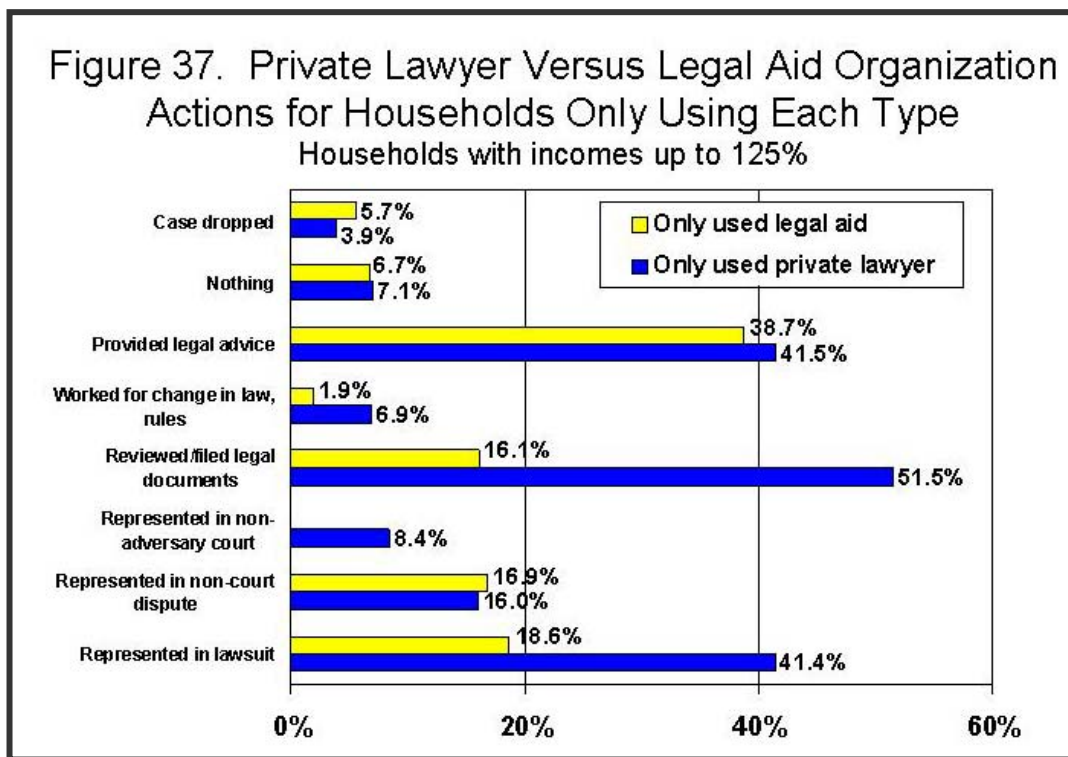
a private lawyer or legal aid organization mentioned each of the following private lawyer/legal aid actions: these legal experts worked for changes in laws, rules or regulations; represented the household in a non-adversary court situation; or dropped their case after initially accepting it.

Among households with incomes between 125% and 184% of poverty levels using lawyers or legal aid organizations in the past 12 months (n=38 households and 50 legal encounters), private lawyers or legal aid organizations represented them in a lawsuit (53%), provided legal advice (45%), and reviewed or filed legal documents (34%).



The legal area for which households most often used lawyers and legal aid organizations was for family and domestic matters. Figure 36 shows the actions of private lawyers and legal aid organizations in this legal area for eligible households

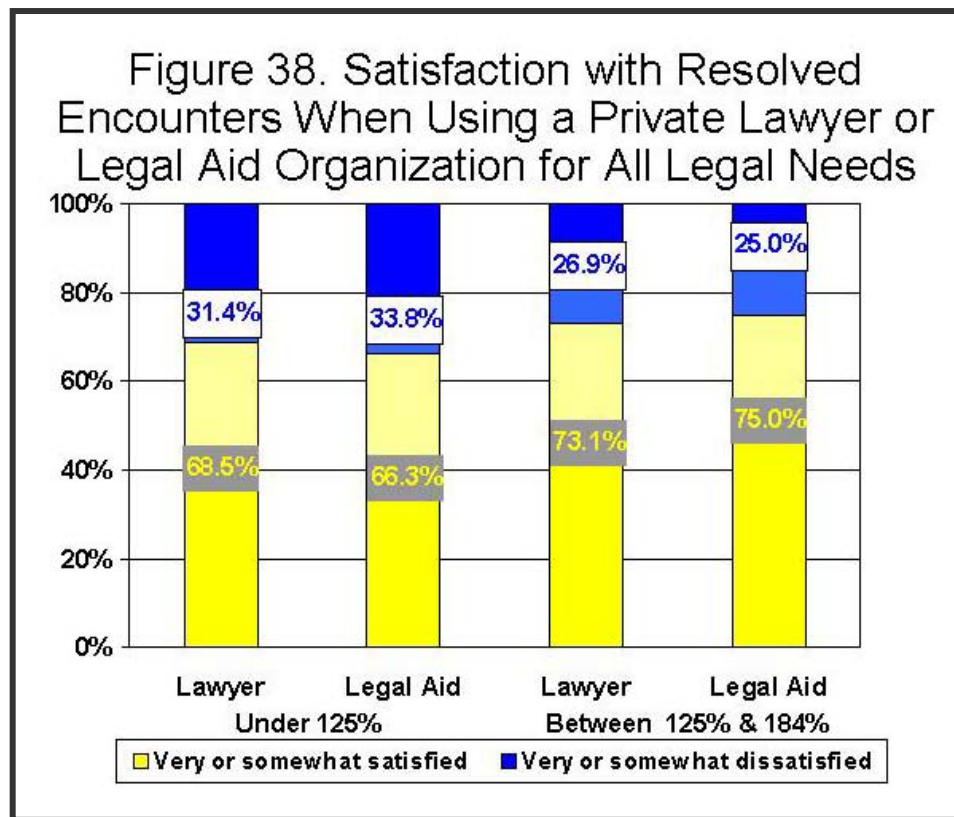
with family and domestic problems. When private lawyers or legal aid organizations were used (n=36), these professionals most often represented the household in a lawsuit; reviewed, prepared or filed legal documents; and provided legal advice. Less common actions were to represent the household in a non-court dispute or in non-adversary court. Given the small number of other low-income households using lawyers and legal aid organizations, these numbers are not shown.



The differences between what private lawyers and legal aid organizations did for eligible households is also of interest. In order to examine this issue, households only using private lawyers for any legal matter (n=87) were separated from households only using legal aid organizations for any legal matter (n=71) to better understand these actions. The small number of eligible households (n=11) that used both types of legal experts were excluded from this analysis since there is no way to know which type of legal expert performed which actions. Figure 37 presents this information. Private lawyers were more likely to review or file legal documents, represent eligible households in a lawsuit, and represent households in a non-adversary court situation than legal aid organizations. Private lawyers and legal aid organizations were equally likely to provide legal advice and represent the household in a non-court dispute. Interestingly, private lawyers and legal aid organizations seem equally likely to drop a case although the actual percentage of refusals is very small.

Finally, in examining the percent distribution of satisfaction among households using private lawyers and legal aid organizations, nearly 70 percent of eligible households were satisfied with the outcome when they used a private lawyer. This compares to 66 percent who were satisfied with the outcome when using a legal aid organization. Among other low-income households using a private lawyer or legal aid organization, 73

percent were satisfied with the outcome of their legal need when using a private lawyer and 75 percent were satisfied when using a legal aid organization.



Private lawyers and legal aid organizations are important sources of legal assistance for low-income households with legal needs. The low use of legal aid organizations may reflect that eligible households are not informed about these organizations and may not know what types of services are available from them. Interestingly, when private lawyers or legal aid organizations were used, satisfaction with the resolution of the legal need was very high.

VI. LEGAL NEEDS BY REGION

The Massachusetts Legal Assistance Corporation organizes itself by region. Data were collected with the intent of enabling regional analysis and making regional comparisons. Briefly, the MLAC regions are as follows:

- Greater Boston Legal Services (GBLS) including Greater Boston and CASLS;
- South Middlesex and Merrimack Valley Legal Services (SMLS/MVLS) including Framingham and Lowell;
- Neighborhood Legal Services (NLS) including Lawrence and Lynn;
- Southern Massachusetts Legal Services (SMLAC) including Brockton, Fall River and New Bedford;
- Legal Services of Cape Cod and the Islands (LSCCI) including Hyannis and Plymouth;
- Legal Assistance Corporation of Central Massachusetts (LACCM) including Worcester; and,
- Western Massachusetts Legal Services (WMLS) including Northampton, Pittsfield and Springfield.

This chapter examines the rates of legal needs by region as well as actions taken, tasks performed by lawyers and legal aid organizations, and satisfaction with outcomes by region for households with incomes up to 125% of the Federal poverty levels. This information can be found in Appendix C, Tables C27 to C32. The comparison other low-income sample will not be examined as it was intended only to be representative at the state level.

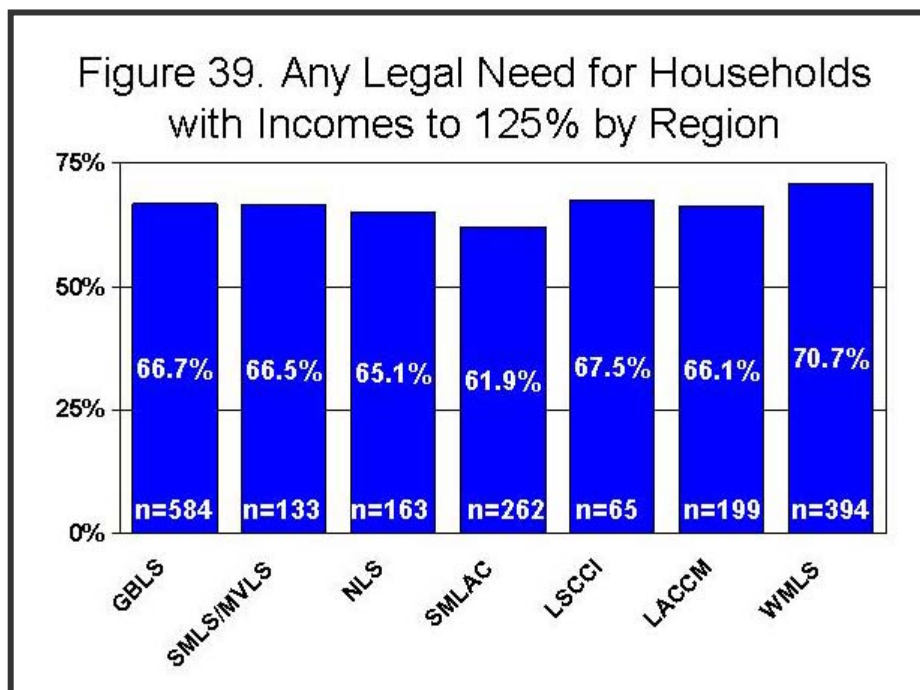


Figure 39 presents the incidence of any legal need by region. While most of the regions recorded levels of about 66 percent of respondents having some type of legal need within the previous 12-month period, WMLS recorded the highest incidence with 71 percent of households reporting some type of legal need while SMLAC reported the lowest incidence at 62 percent.

These similar levels of overall legal needs mask the differences in the types of legal needs recorded by each of the regions. The top three legal needs by region are presented in Figure 40. For more detailed information about the incidence of each

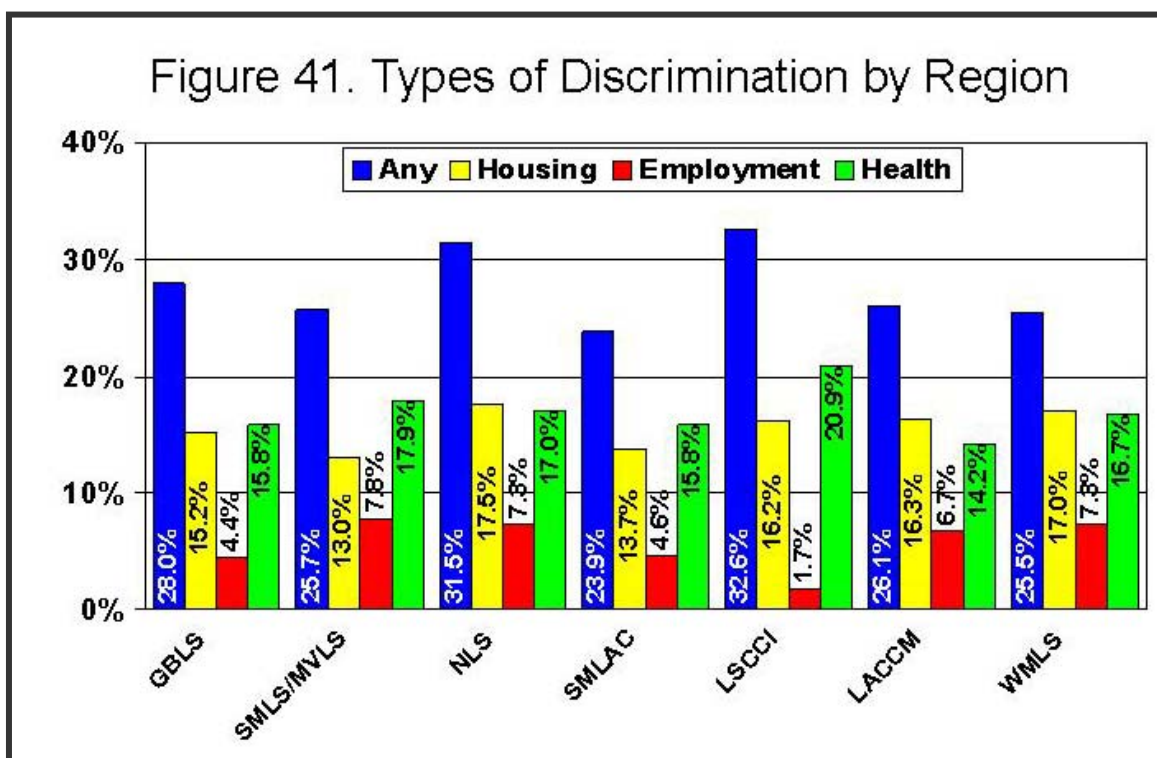
specific legal need by region, refer to Table C27. While the order may be different, 5 of the 7 regions had the following legal needs within their top 3: Housing, municipal and consumer legal needs. All regions had municipal and all but one region had housing

Figure 40. Top Three Legal Needs by Region

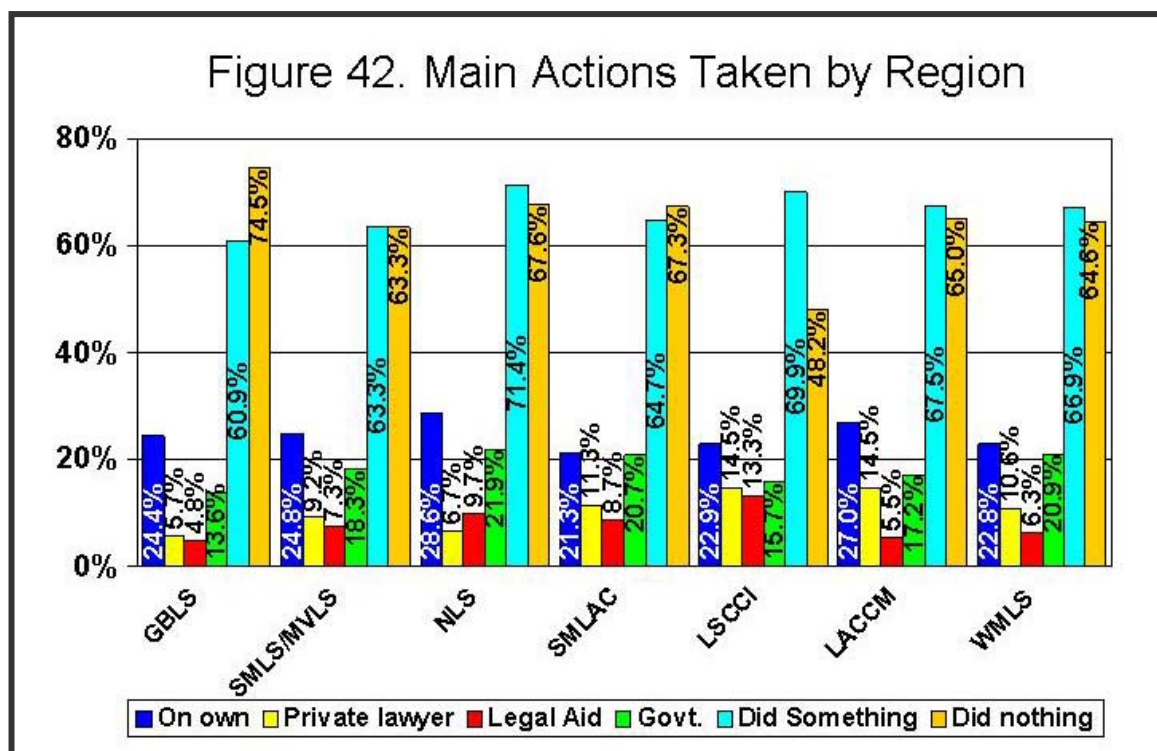
Region	Legal Need Area
GBLS	Housing – 35.2%, Municipal – 30.4%, Consumer – 21.2%
SMLS/MVLS	Municipal – 32.6%, Housing – 25.8%, Public Benefits – 23.0%
NLS	Housing – 35.8%, Municipal – 29.5%, Consumer – 24.1%
SMLAC	Municipal – 32.8%, Housing – 26.1%, Consumer – 21.0%
LSCCI	Consumer – 31.7%, Health – 28.2%, Municipal – 27.1%
LACCM	Municipal – 30.0%, Housing – 26.9%, Consumer – 24.8%
WMLS	Municipal – 35.6%, Housing – 31.4%, Consumer – 28.0%

legal issues as among their top three needs. The only regions deviating from the trend were SMLS/MVLS which had public benefit legal needs as one of its top three rather than consumer needs and LSCCI which had health needs as one of its top three rather than housing. Despite this similarity in the legal need categories, the ordering of these needs and percent of households that reported each of these needs varied by region. Municipal was the most often cited legal need in four of the regions and varied from being reported by 36 percent of households in WMLS to 27 percent in LSCCI. Housing legal needs were the most common need reported in two regions including GBLS and NLS and varied from about 35 percent in these two regions to 26 percent in SMLS/MVLS and SMLAC. Consumer legal needs were among the top three reported needs in 6 of the 7 regions ranging from 32 percent in LSCCI (where it was the most commonly reported legal need) to 21 percent in GBLS and SMLAC. As mentioned, 23 percent of households in SMLS/MVLS reported public benefits which were the third most often reported legal need, while 28 percent of households reported health legal needs in LSCCI.

The areas of housing, health and employment discrimination were explored in the legal needs survey. Figure 41 presents the overall levels of discrimination-related legal needs for each of the seven regions. The reported level of any type of discrimination was highest in LSCCI at nearly one-third of households and was lowest in SMLAC in which about 24 percent of households reported some type of discrimination during the 12 months before the survey. The main types of discrimination reported were either some type of housing or health/disability discrimination. Several regions reported nearly comparable levels of these two types including GBLS (15 percent), NLS (17 percent), and WMLS (17 percent). LACCM reported a slightly higher level of housing than health discrimination while the remaining three regions reported slightly higher levels of health discrimination (SMLS/MVLS, SMLAC, and LSCCI). Employment discrimination was the least widely reported type of discrimination and ranged from only 2 percent of

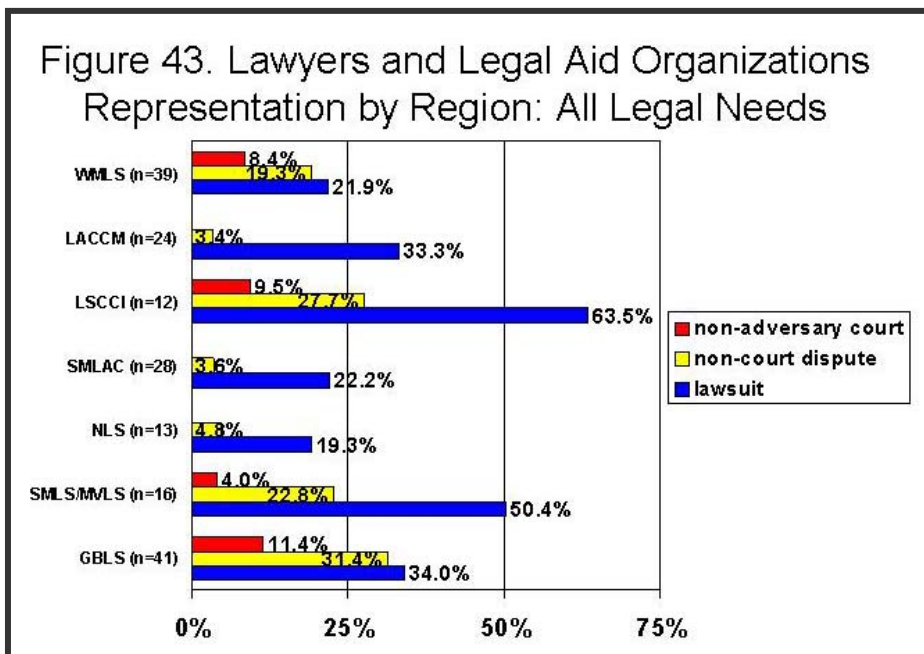


households in LSCCI to 8 percent of households reporting some type of employment discrimination in SMLS/MVLS.



Given regional variations in the reported levels of legal problems, it is interesting to see whether the actions taken by households varied by region. Figure 42 shows the main actions taken by households for any legal need by region. The main single action taken was to do nothing for at least once legal need. The proportion of households doing

nothing for at least one reported legal need varied from a high of 75 percent in GBLS to a low of 48 percent in LSCCI. When an action was taken (and households could mention multiple actions), typically households did something on their own ranging from 29 percent in NLS to 21 percent in SMLAC. The second most common action was to complain to the government. Households were most likely to complain to government in NLS and least likely to pursue this option in GBLS. The use of private lawyers and legal aid organizations varied somewhat by region. Private lawyers were most commonly used in LACCM and LSCCI by 15 percent of households with some type of legal need and least used in GBLS where only 6 percent of households mentioned using a lawyer. Use of legal aid organizations was comparable to the use of private lawyers in most regions. The exceptions were WMLS and even more notable was LACCM where use of legal aid organizations was considerably less than the use of private lawyers.



The types of tasks performed by lawyers and legal aid organizations are shown in Figures 43 and 44 based on those who used private lawyers and legal aid organizations (16% of eligible households). Note that the sample sizes for some of the regions are very small meaning the estimates have considerable variability. However, to get a

flavor of trends, this information is being reported. The first figure shows the types of representation provided by private lawyers and legal aid organizations for all reported legal needs for households using private lawyers or legal aid organizations. Most commonly, private lawyers and legal aid organizations represented households in a lawsuit. Legal experts also represented households in non-court disputes in all regions while in some regions such experts also represented households in non-adversary court. Legal experts most commonly gave legal advice in all regions except SMLS/MVLS where the sample is very small and the estimates are not very reliable.

Figure 44. Other Lawyer and Legal Aid Organization Actions by Region: All Legal Needs

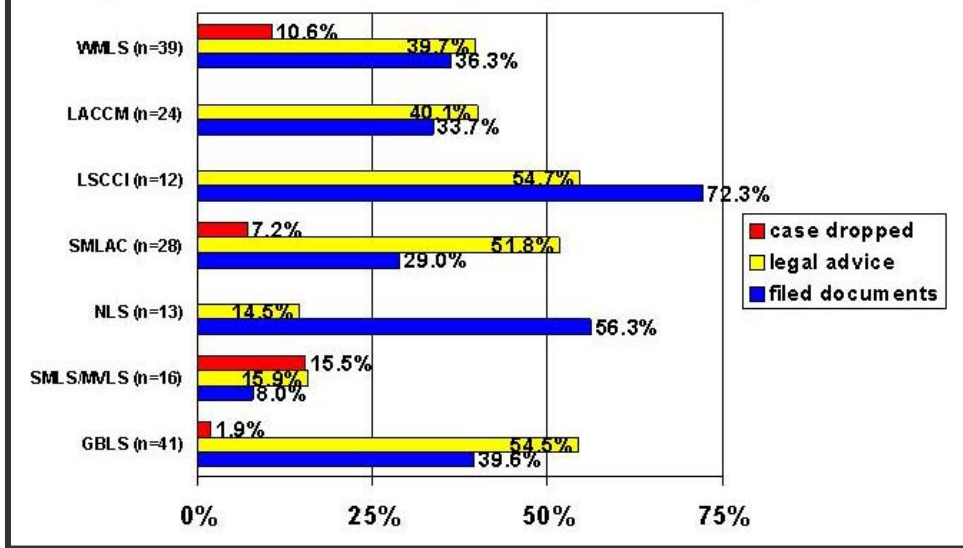
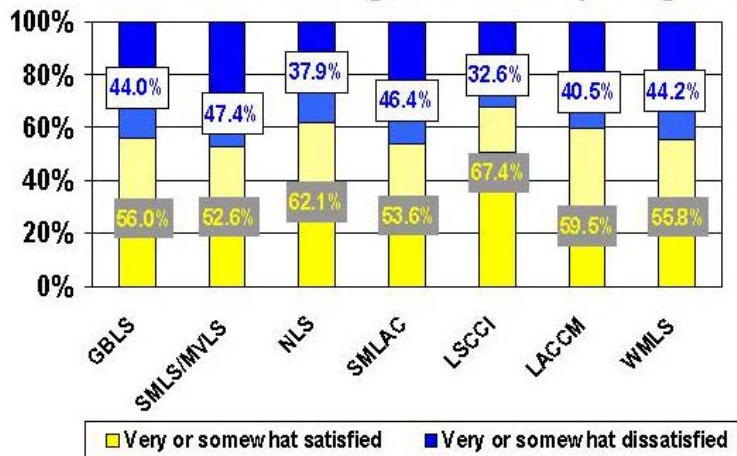


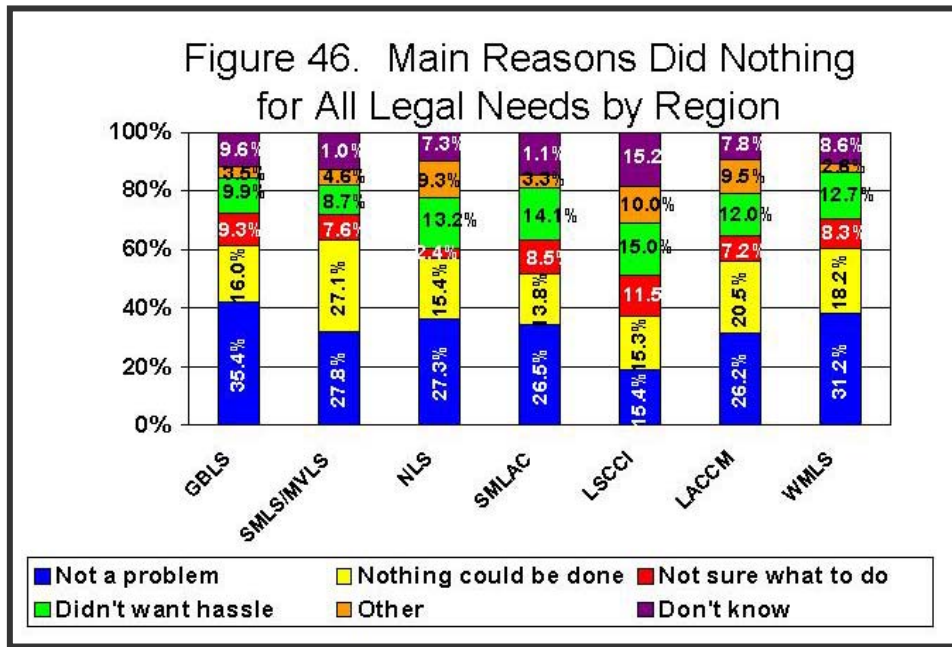
Figure 45 shows the distribution of satisfaction with the outcome of legal needs by region. The light colored rectangles show the proportion of legal encounters where the household was very or somewhat satisfied.

Figure 45. Satisfaction with Resolved Encounters for All Resolved Legal Needs by Region



Satisfaction was highest in LSCCI where 67 percent of all legal encounters left households satisfied. Households in SMLS/MVLS were the least satisfied with the outcome of their legal encounters with 47 percent saying they were dissatisfied with the outcome.

The final figure, Figure 46, shows the distribution of the main reasons given by households when no action was taken for a stated legal need. The most commonly cited reason why nothing was done in all regions except LSCCI was the perception that the legal need was not really a problem. Another common reason for no action was that nothing could be done. The LSCCI region had very few legal encounters when respondents did nothing (n=41) so the response percentages are subject to large margins of error. However, no single reason explains the lack of action, rather several reasons were given equally often including “not a problem”, “nothing could be done”, “didn’t want hassle”, and “don’t know” or the respondent refused to answer.



Overall, while there is some variation between regions with respect to the level, type and actions taken relative to legal needs in the last year, no major differences stand out that would indicate the need for different emphasis by different MLAC offices. Nearly all regions had the

most difficulty with municipal, housing and consumer legal issues. Use of lawyers and legal aid organizations was low in all areas and the types of services rendered by these legal experts were also similar. It appears that the legal needs of low-income Massachusetts households are comparable throughout the state.

VII. LEGAL NEEDS OF POPULATION SEGMENTS

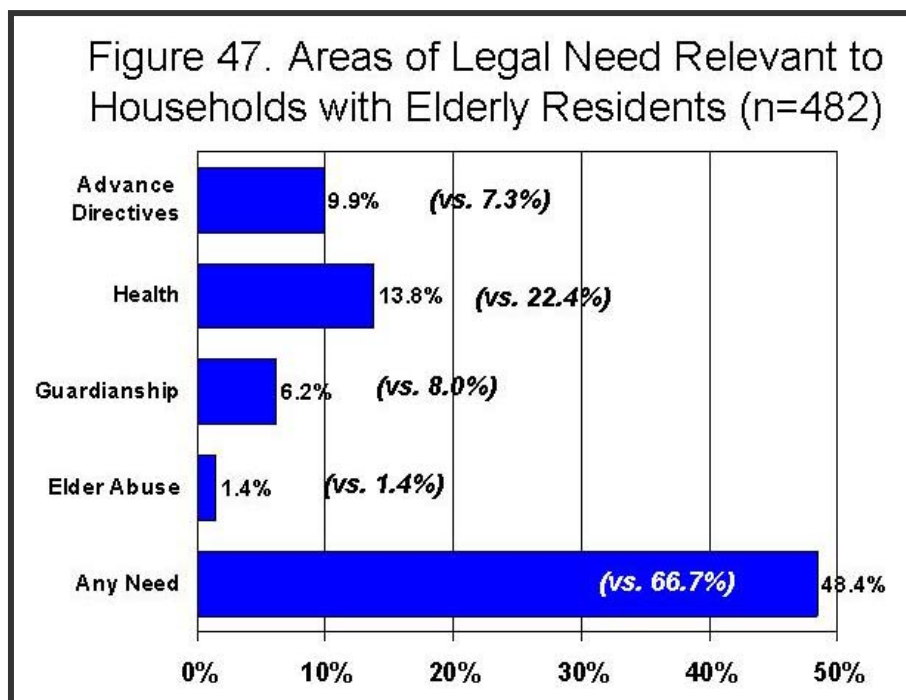
While the general low-income population is the target group of MLAC for civil legal services, certain types of legal needs may be more applicable for specific population segments. In order to best understand the needs of important segments in Massachusetts, this chapter will examine those issues most relevant to specific population segments. Those segments examined include:

- The elderly
- Single mother headed households
- Households with children under 18
- Large households (5 or more persons)
- Households receiving public benefits
- Black households
- Hispanic households

Only segments in the population at or below 125% of the federal poverty level will be examined due to the small sample size for other low-income households. The incidence of specific legal needs of relevance for each segment will be presented followed by main actions taken and satisfaction with the outcome. A few segments also have reasons why no action was taken if the sample size is adequate. These findings and more detail can be found in Appendix C, Tables C33 to C64.

Households with Elderly Members

Figure 47 presents the overall incidence for any legal need and several specific types of



legal needs of relevance to the elderly population. Overall, a smaller 48.4 percent of households with at least one elderly member (someone over 65) had some type of legal need in the 12-month period before the survey. The most common type of legal need examined was health with 14 percent of eligible households with an older member citing this type of legal need followed by 10 percent of elderly households having a

need for advance directives (i.e., living wills, power of attorney). Six percent had some type of guardianship need and one percent had an elder abuse need. Interestingly, the

health and guardianship needs for households with elderly members were lower than for the general eligible population while the need for advance directives was slightly higher.

Figure 48 presents the details for guardianship needs while Figure 49 presents the specific components for health needs. In both figures (and subsequent ones), the percentages given in bold are for the population segment while the percentages given in italics are the comparable rates in the general eligible population. For guardianship issues, elderly households were comparable to the general eligible population. For health legal needs, elderly households always record lower legal need than the general population. This is interesting and may indicate that elderly households are less likely to view a situation as involving a legal need than younger households.

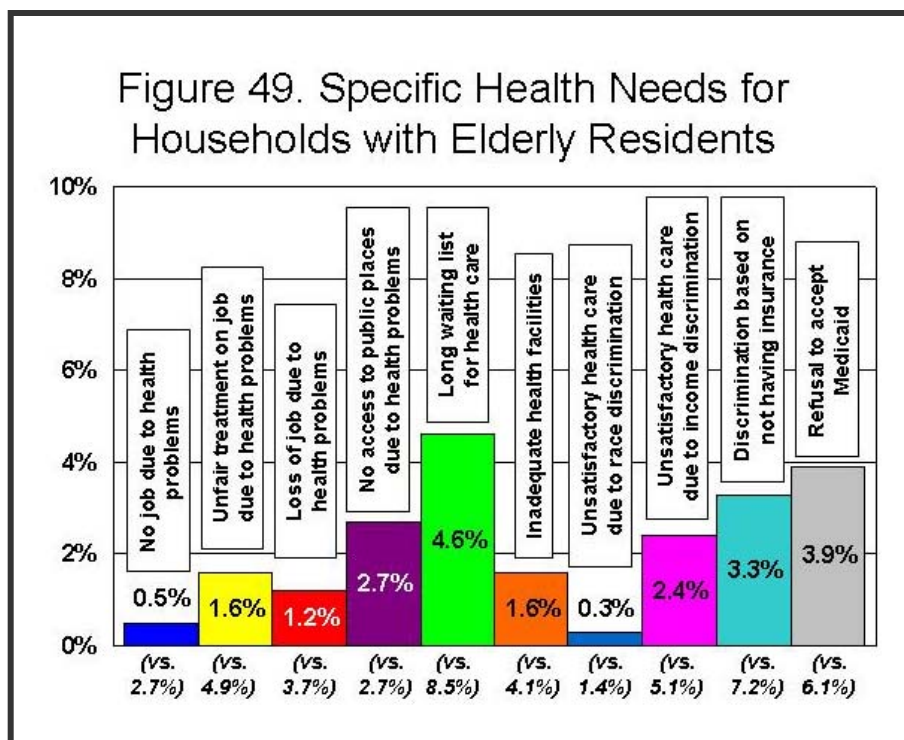
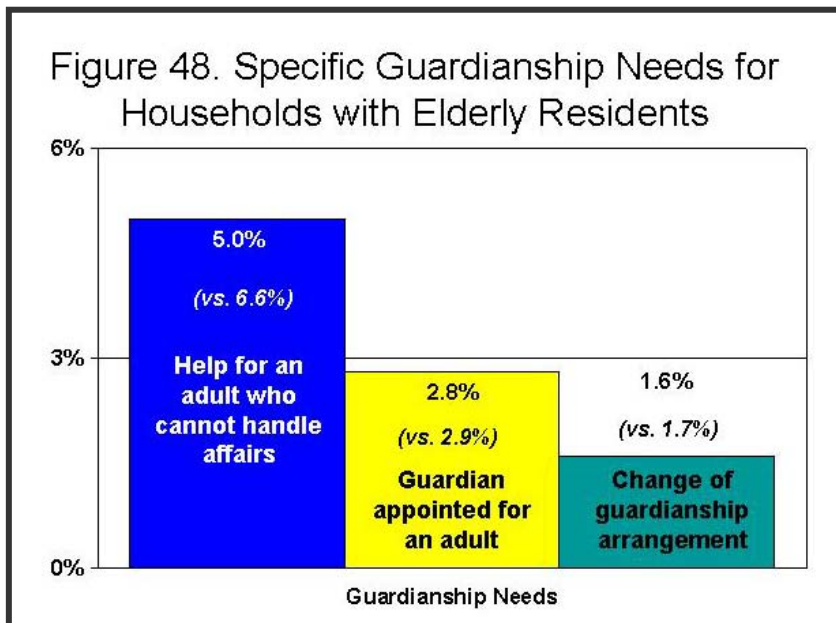
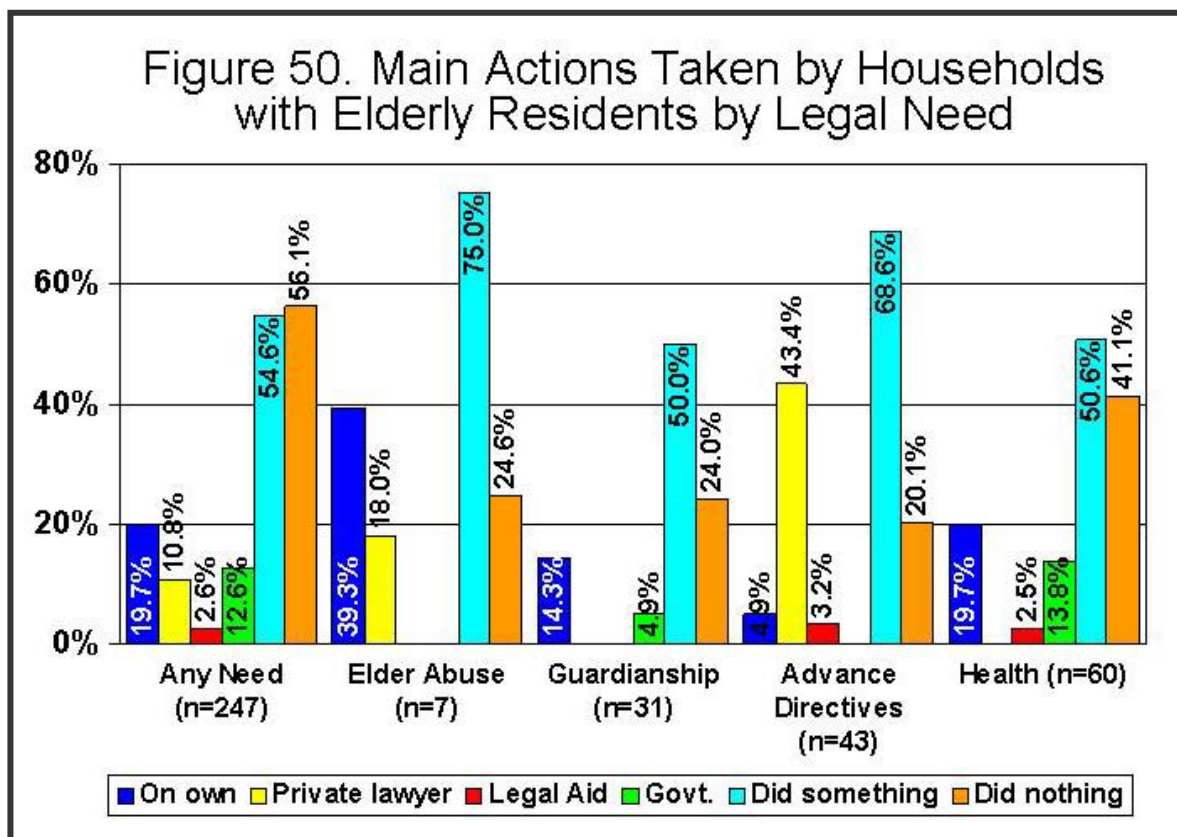
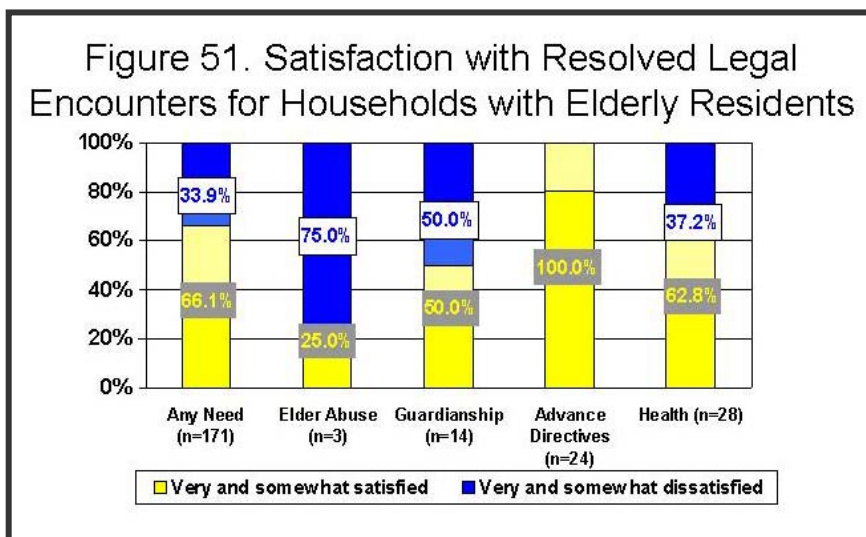


Figure 50 shows the actions taken by households with elderly members when they did have some type of a legal need.



For any type of legal need, 56 percent of elderly households did nothing while a smaller percentage did nothing for the specific legal needs. Roughly 40 percent did nothing for health needs while one-quarter did nothing for guardianship issues, and one-fifth for advance directives. For issues important to elderly households, households were more likely to take some action ranging from 69 percent of advance directives to 50 percent for guardianship issues. Private lawyers were most often used for advance directives and elderly households were most likely to do something on their own when the legal need involved health.

Figure 51 shows the satisfaction with legal issues for elderly households. All elderly households were satisfied with the outcome when it involved advance directives. Dissatisfaction was greatest for guardianship and health needs.



Very few elderly households (n=3) had concluded elderly needs allowing no assessment of satisfaction.

Single Mother Households

Households headed by single mothers are another population segment of interest. Divorce can often be the catalyst that puts such families into poverty. These households are likely to have different civil legal needs than the overall eligible population.

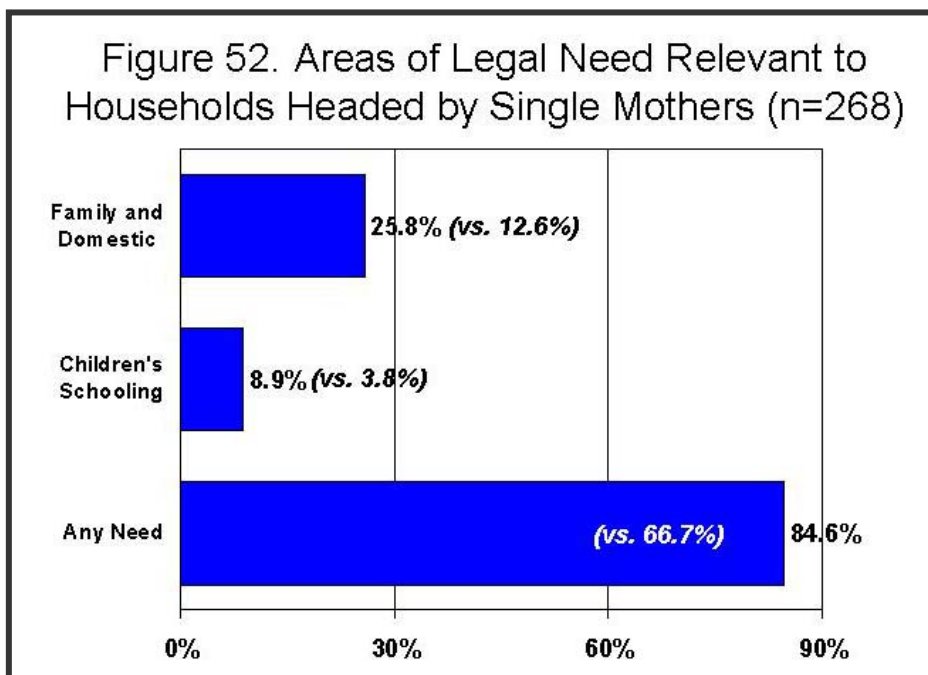
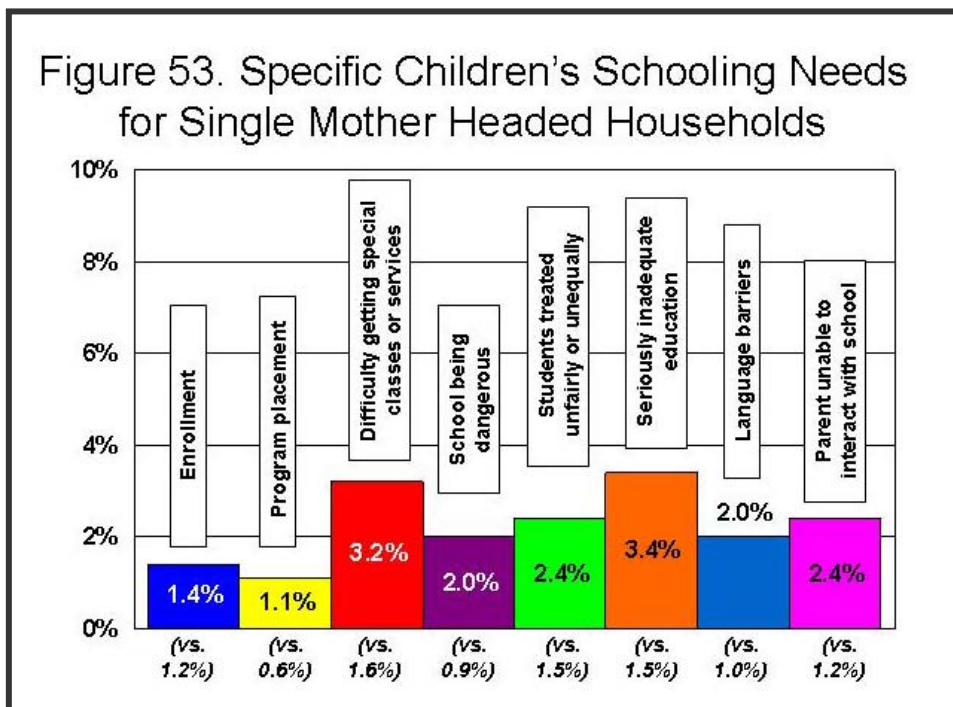


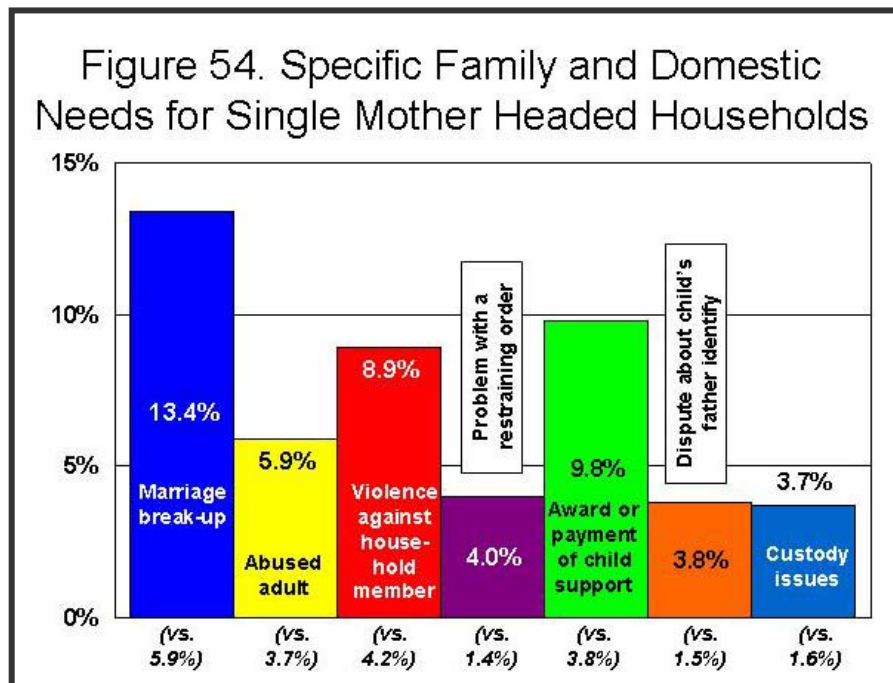
Figure 52 presents the overall levels of legal need categories particularly relevant to households headed by single mothers. Overall, 85 percent of such households reported some type of legal need during the previous 12 months, well above the incidence of legal need of the general eligible population. Specifically, 26 percent of households headed by a single mom had a

family or domestic legal need while 9 percent had a children schooling legal need. Single female-headed households had over twice the level in these two areas as was recorded in the general eligible population.

Figures 53 and 54 present the specific legal needs within the categories of family and domestic and children schooling. Within



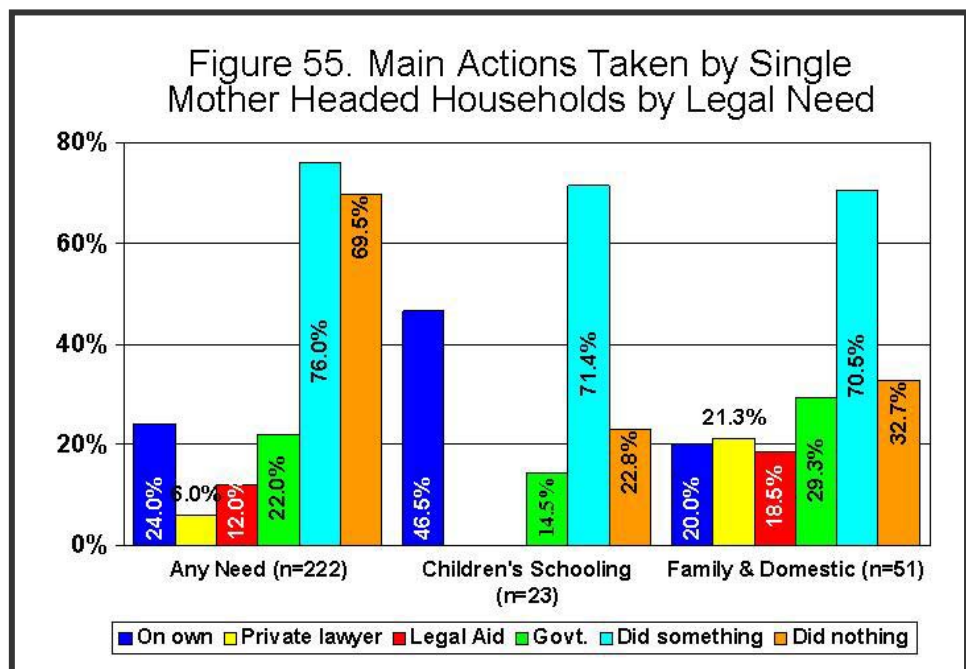
children's schooling, the needs of single mother households were relatively low but higher than the needs recorded for the general eligible population. For family and domestic legal needs, single mother households recorded higher levels for all types of



specific needs as compared to the general eligible population. Marriage break-up was the type of family and domestic legal need most often experienced by single mother households in the preceding 12-month period with one in eight such households reporting a marriage break-up. The award or payment of child support was also a recent issue in 10 percent of single mother headed households, while violence against a household

member was reported by 9 percent of such households. The other types of family and domestic issues were reported by 6 percent or less of single mother households.

Figure 55 shows the types of actions taken by single mother headed households when they did experience a legal need. Overall, some action was taken at least once by 76 percent of single mother headed households while at least once, 70 percent did nothing about their legal need. Interestingly, however, single mother headed households

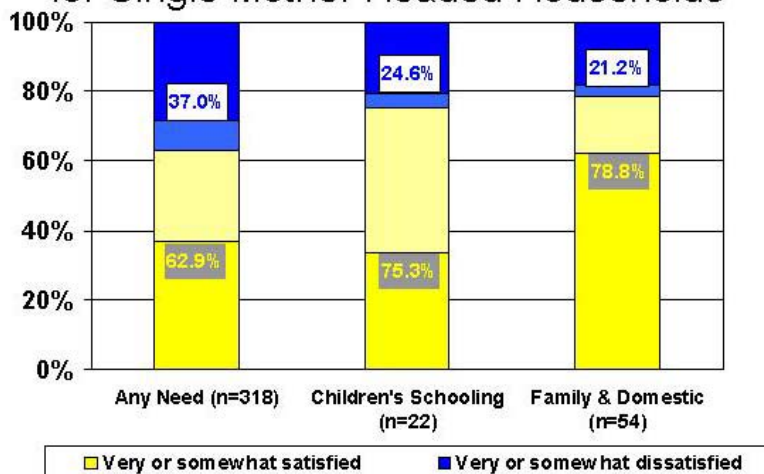


with either a schooling or family and domestic problem were much more likely to do something about the problem. For children schooling, 45 percent did something on their own which usually involved speaking with the principal or others responsible. Private

lawyers and legal aid organizations were not used at all by this type of household for children schooling issues. Conversely, private lawyers or legal aid organizations were used by almost one in five single mother headed households when they had a family or domestic problem.

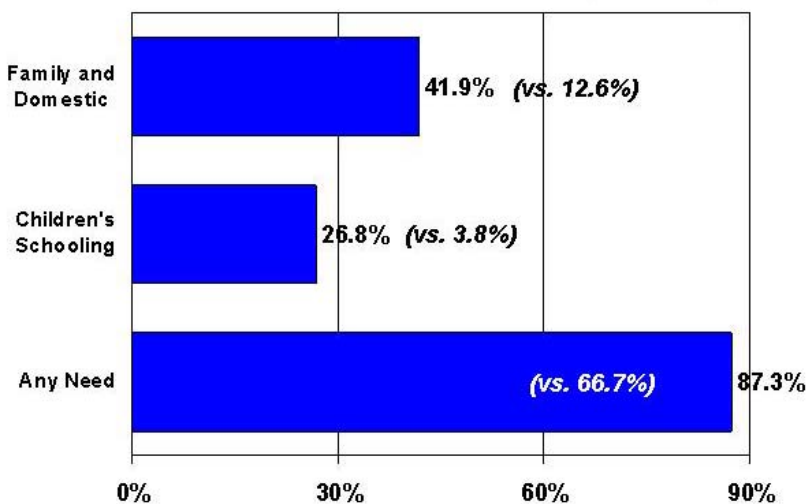
Figure 55 shows the satisfaction with the outcome of any legal needs by single mother headed households. These households expressed the most satisfaction with the outcome of family and domestic needs.

Figure 56. Satisfaction with Resolved Encounters for Single Mother Headed Households



Households With Children

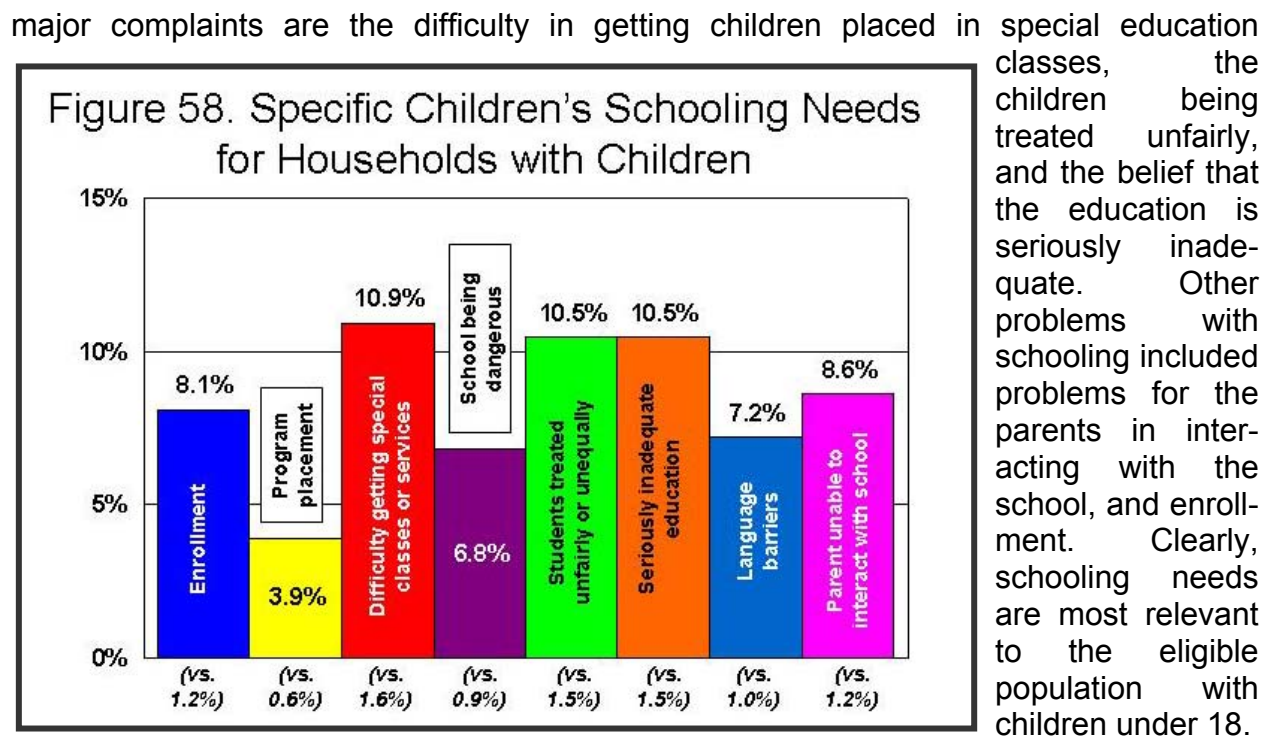
Figure 57. Areas of Legal Need Relevant to Households With Children (n=256)



Eligible households with children under 18 are another group likely to have special legal needs. The overall legal need level and that for the areas of children schooling and family and domestic issues are shown in Figure 57. Overall, a greater percentage of households with children had some type of legal need in the previous 12-month period as compared to all eligible households. Moreover, children schooling legal needs were 6 times more

common among this population segment and family and domestic legal needs were over three times more common. Clearly, both areas are of great relevance for eligible households with children under 18.

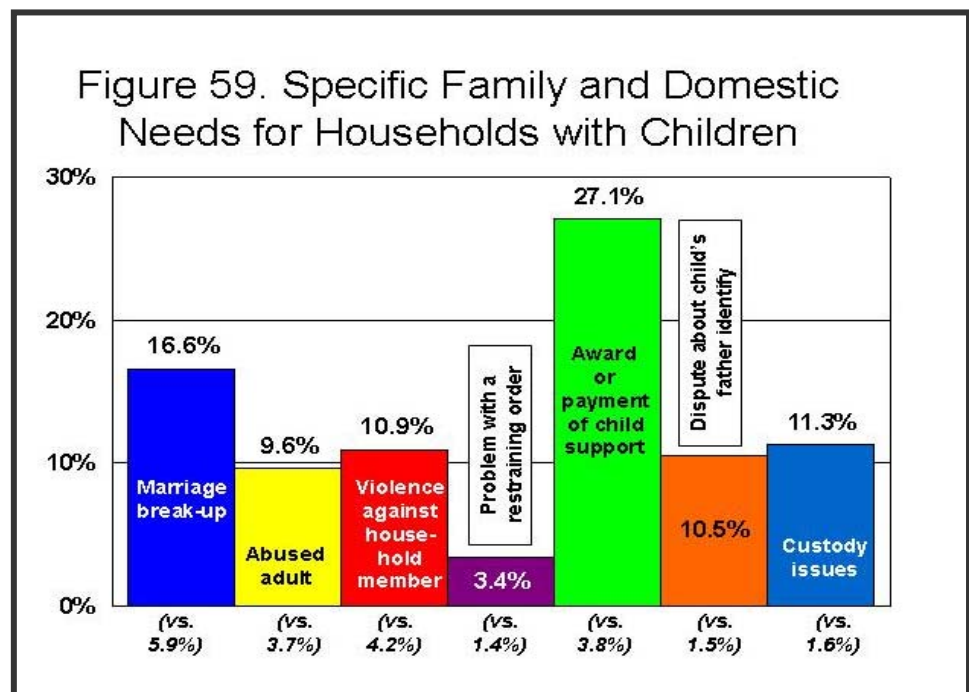
The specific types of needs within the categories of children schooling and family and domestic are shown in Figures 58 and 59. Many of the specific areas within children schooling affect roughly one in ten eligible households with children under 18. The



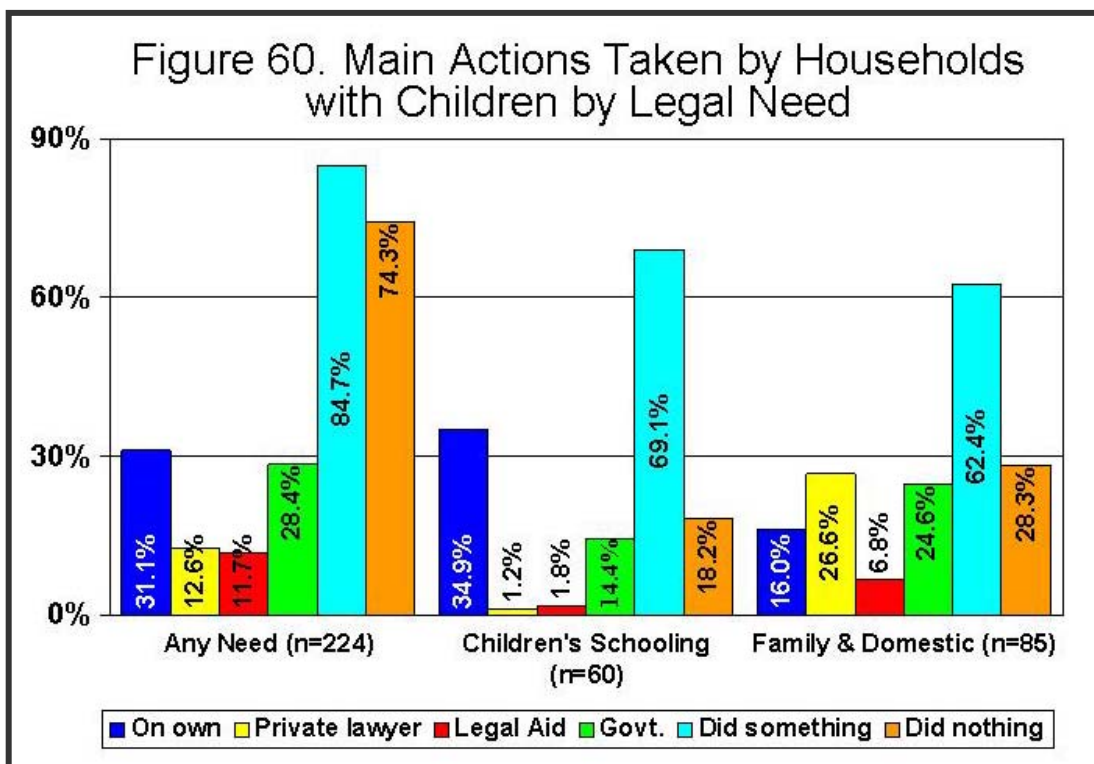
Among family and domestic issues, over one-fourth of households with children had a problem in the previous 12 months with the award or payment of child support. Marriage break-up was also mentioned by 17 percent of such households. Other problems that affected one in ten households with children included custody issues,

violence against a household member, a dispute about a child's father's identity, and an abused adult. All the levels for family and domestic households with children are substantially higher than for the general eligible population in the state.

The actions taken by households with children are shown in Figure 60. Overall, three-fourths of these households took no action at least once for any legal need while 85 percent did something at least once. Few households did nothing at least once at only 19 percent for legal needs concerning children's schooling and 28 percent for family



legal needs. For children's schooling, the major specific action was to do something on their own such as see the principal, while over one quarter of households with children



used a private lawyer when they had a family or domestic legal need.

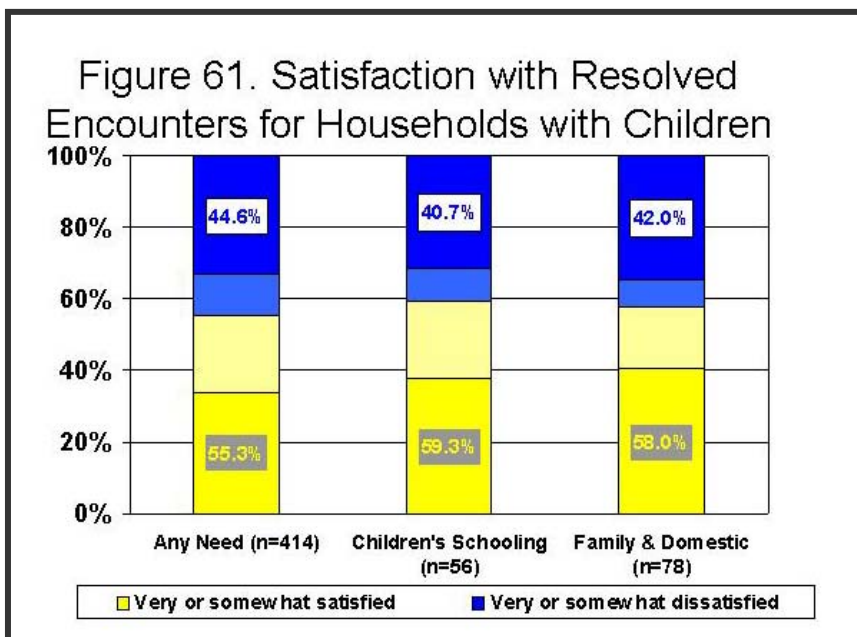
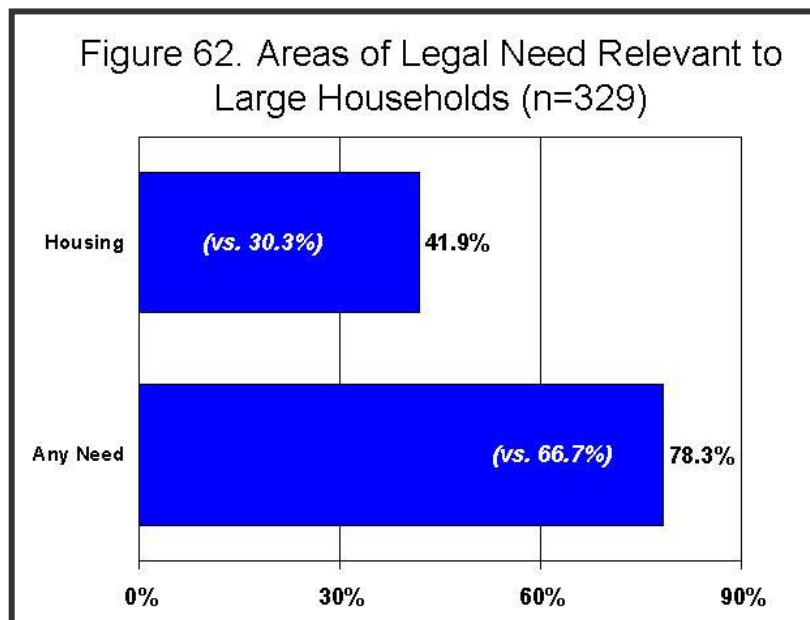


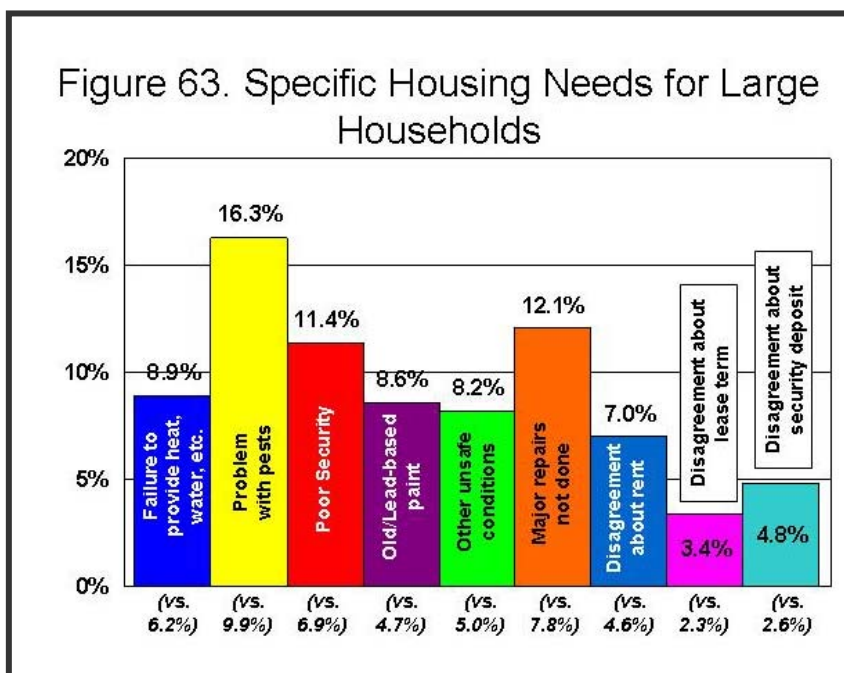
Figure 61 shows the satisfaction with the outcome for households with children. Overall, there are no great differences in level of satisfaction depending upon the type of legal need for households with children.

Large Households

Large households, defined as five or more persons, are also a population segment of interest especially given the tight housing market in Massachusetts. Figure 62 examines the overall legal needs of this population segment. A somewhat larger proportion of large households reported some type of legal need within the last year as compared to the general eligible population, while roughly one third more large households reported some type of housing legal need than the general population.



specific details concerning the housing legal issues for large families. The main housing problem reported by large households was a problem with pests reported by 16 percent. Additionally, roughly one in ten households reported the following housing legal needs: major repairs not done, someone living in the household due to an eviction, poor security, and denial of an apartment due to having children. The three lowest percent-ages are not shown in the graph (due to space limitations). Large families reported higher levels for every housing need than the general population with the exception of moving because couldn't pay the rent (percentages not shown). Clearly housing issues are important to large families in Massachusetts.



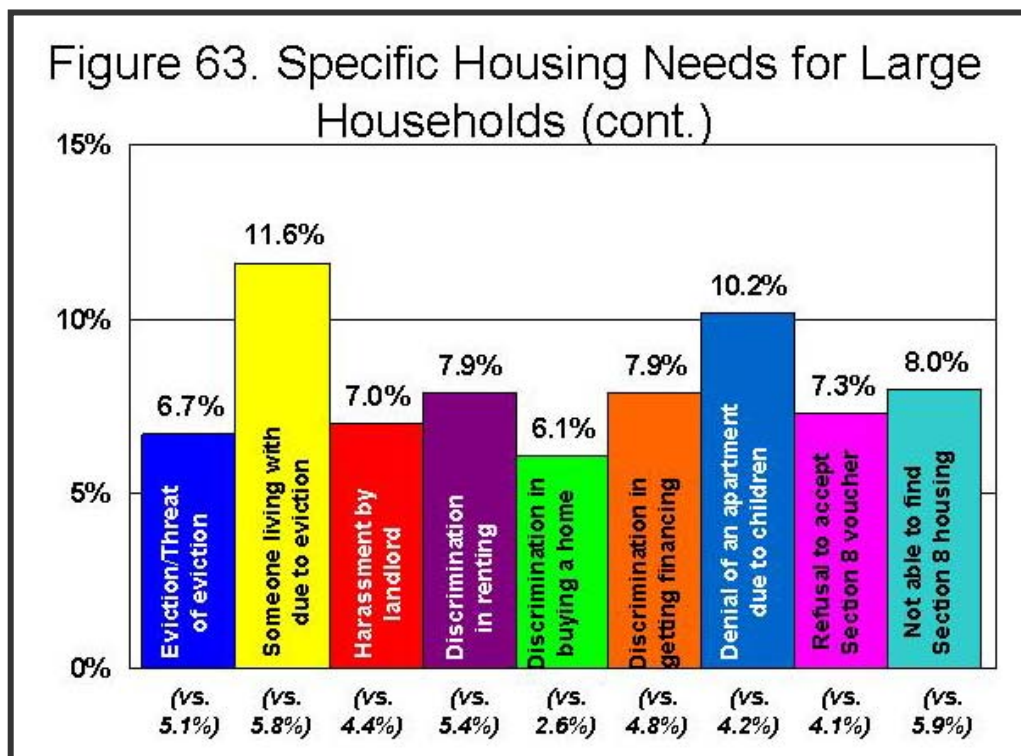


Figure 64 shows the actions taken by large households when confronted with a legal need. For legal needs, in general, and for housing legal needs in particular, roughly three in four large households took no action at least once. Interestingly, large households were less likely to take any of the main actions shown for housing-related issues than for any legal need in the previous 12-month period.

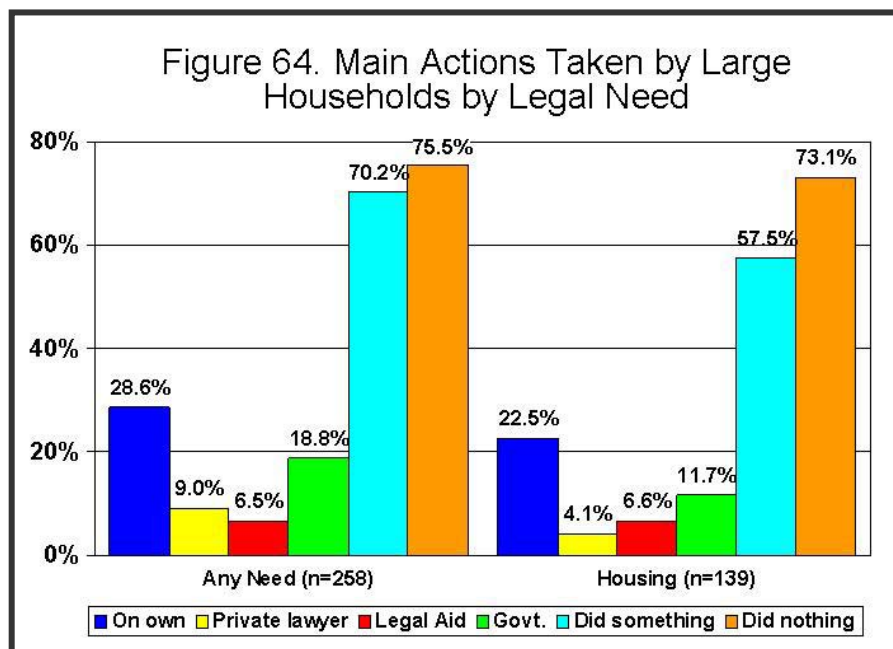
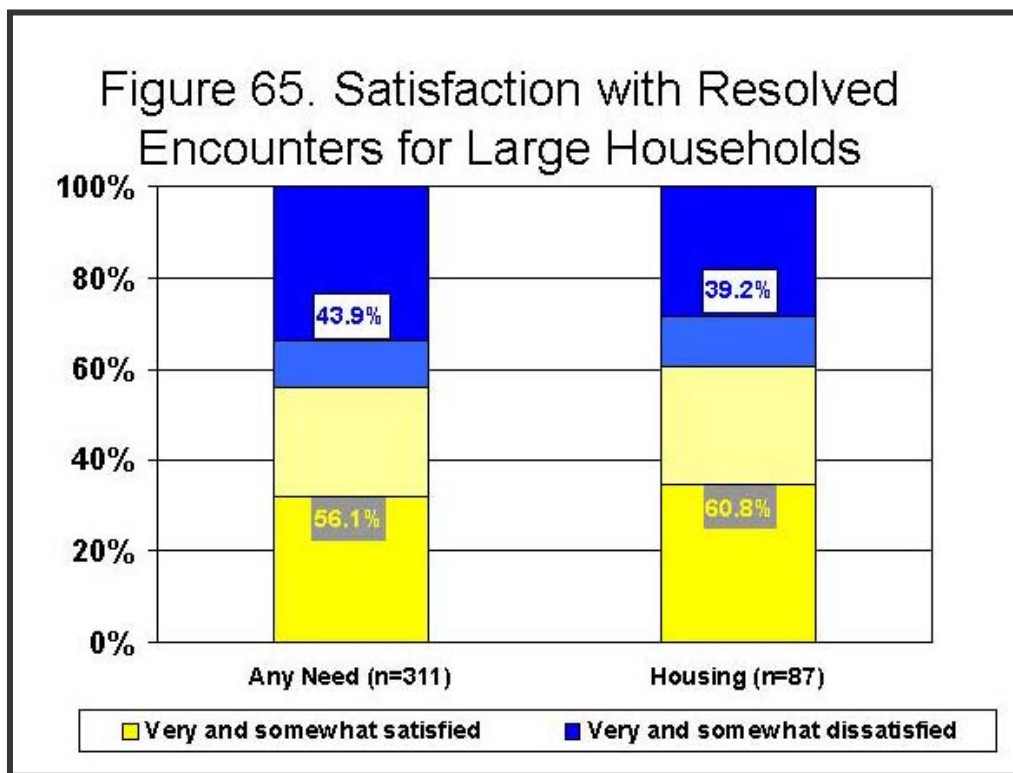
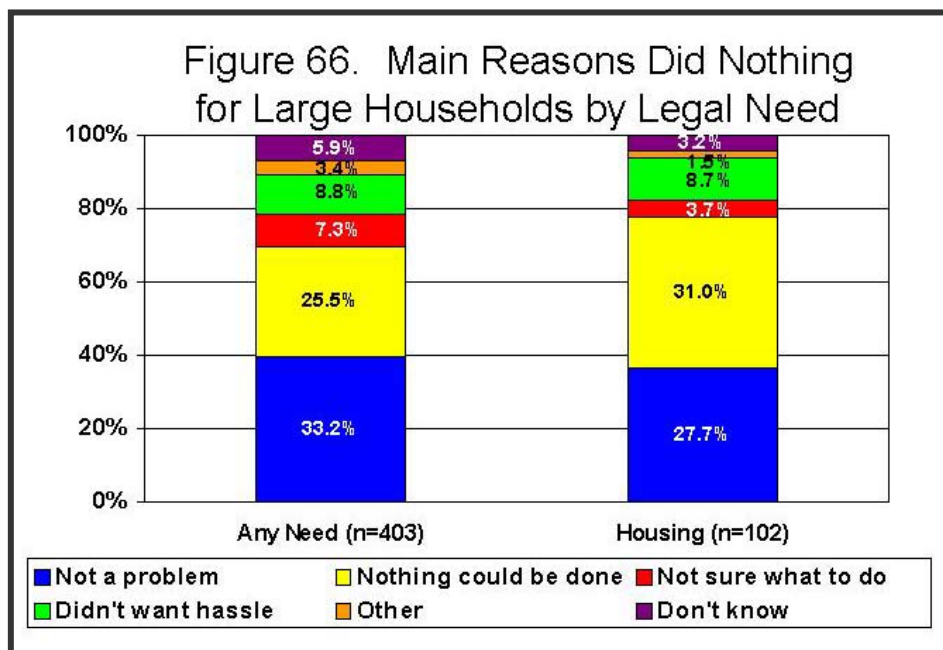


Figure 65 shows the overall satisfaction for large households with the outcome of any and housing legal needs. Large families were somewhat more satisfied with the outcome of their housing legal need than for their legal needs in general.



Due to the relatively high number of large households, an examination of the reasons why these households took no action can be explored. This information is presented in Figure 66.

Fewer large households said their main reason for taking no action for housing legal



needs was that it was not really a problem, compared to legal needs overall for this population or to the general eligible population. However, a larger percentage took no action since they believed that nothing could be done. Nearly one in ten large households did not believe it was worth the hassle to do something for either any or housing legal needs.

Households Receiving Public Benefits

Fully, 55.7 percent of contacted eligible households said that they had received some type of public benefit at some time during the 12 months preceding the survey. It is of interest to determine the public benefit legal needs of this population.

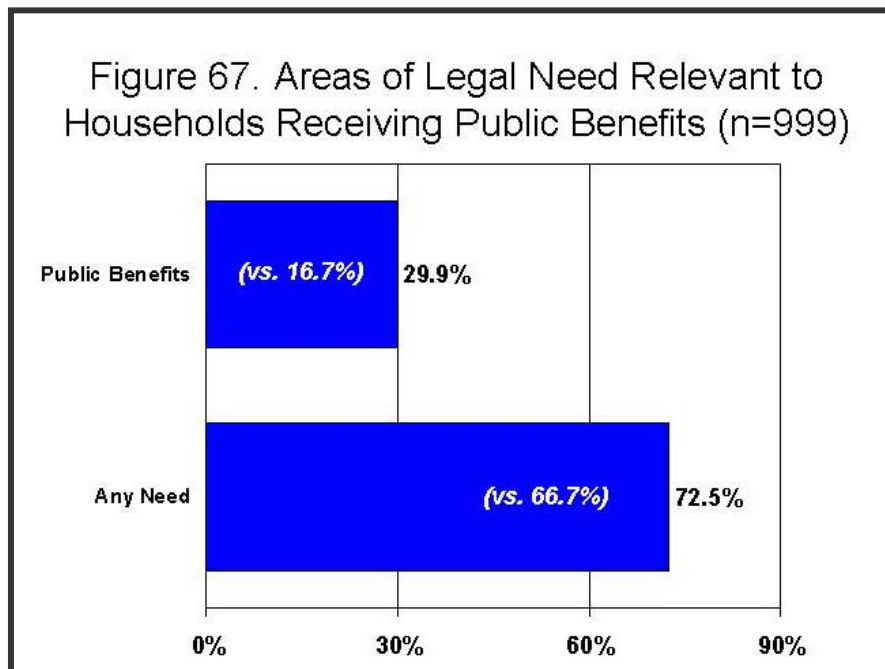
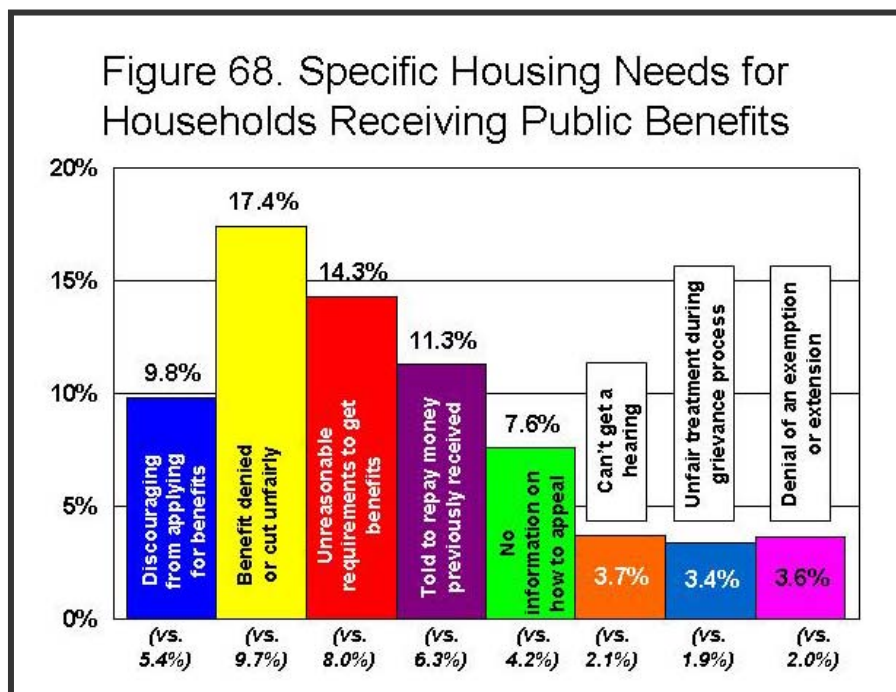


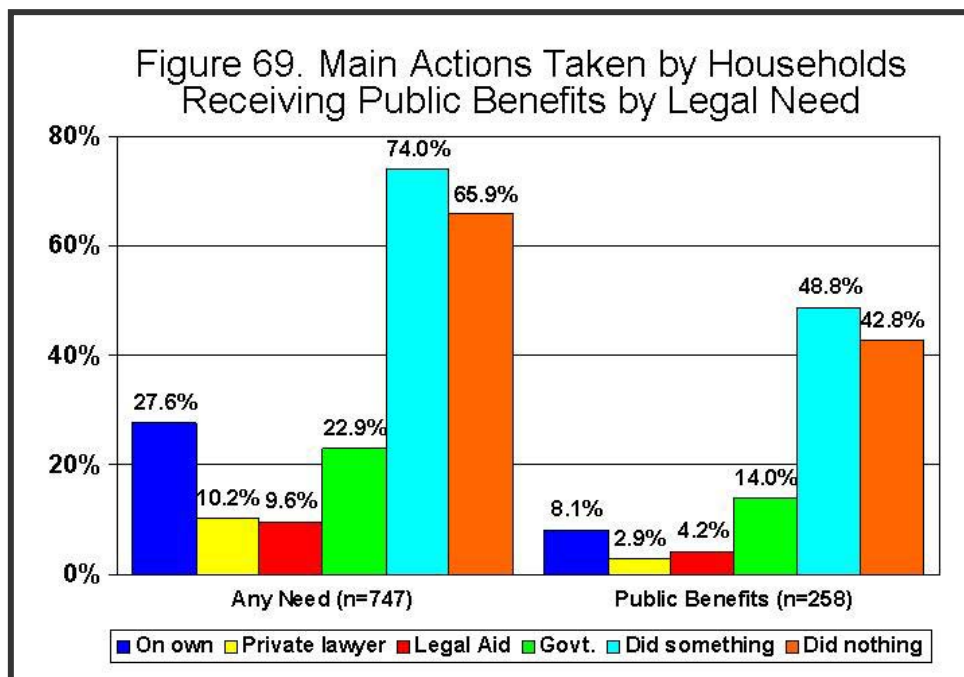
Figure 67 shows the overall legal needs and public benefit legal needs for households receiving public benefits, while Figure 68 shows the specific public benefits that households mentioned as having been problematic. Overall, 73 percent of households receiving public benefits reported some type of legal need while 30 percent reported some type of public benefit legal need.

The major type of public benefit legal need reported by households receiving public



benefits was having their benefit unfairly cut or denied. Other reported problems including unreasonable requirements to get benefits, being told to repay money previously received, and being discouraged from applying for benefits. Households

receiving public benefits recorded higher levels of all specific public benefit-related legal needs.



The actions taken when a household receiving public benefits reported a legal need are shown in Figure 69. Overall, about two-thirds of these households took no action at least once for any legal need while a smaller 43 percent did nothing when it concerned a public benefit legal need. Nearly three in four of these households took some

type of legal action at least once for any legal need and 49 percent for public benefit legal needs.

Figure 70 presents the level of satisfaction for resolved legal needs for households receiving public benefits. Interestingly, households receiving public benefits were much less satisfied with the outcome of their public benefit legal needs than for all their legal needs. This suggests that the actions being taken are not resolving the issue to their satisfaction. The previous figure showed a very small percentage of these households using lawyers or legal aid organizations for these problems and the low satisfaction suggests that increased use of these legal experts as an avenue might lead to more satisfactory resolutions.

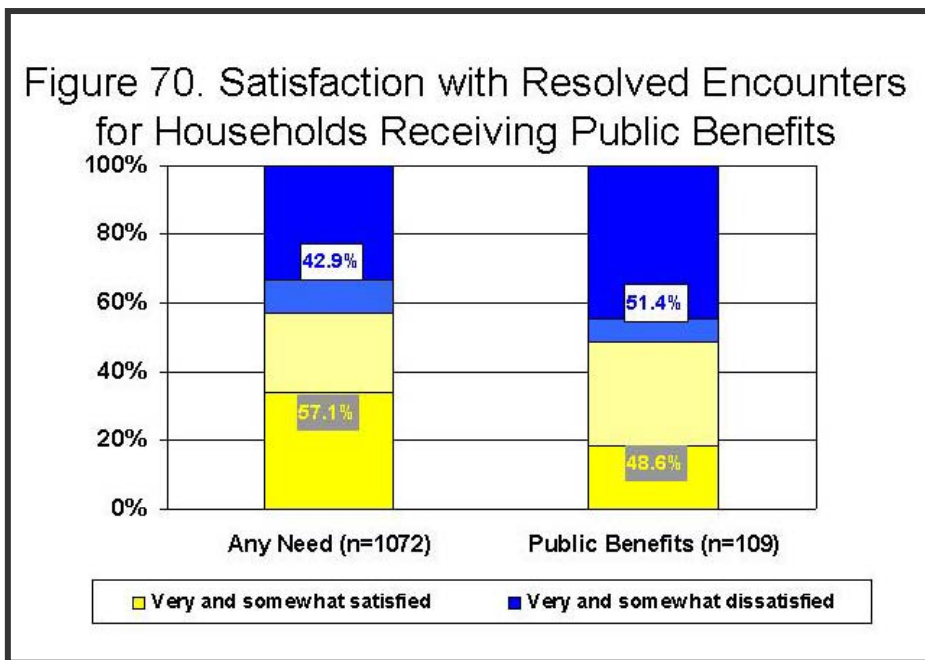
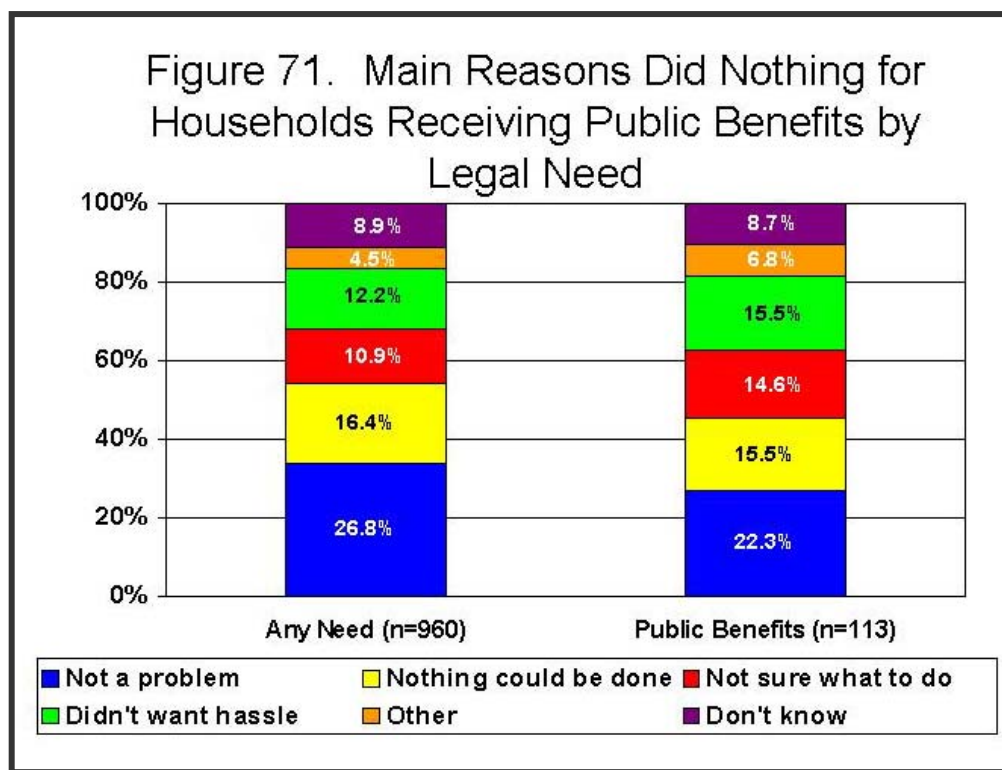


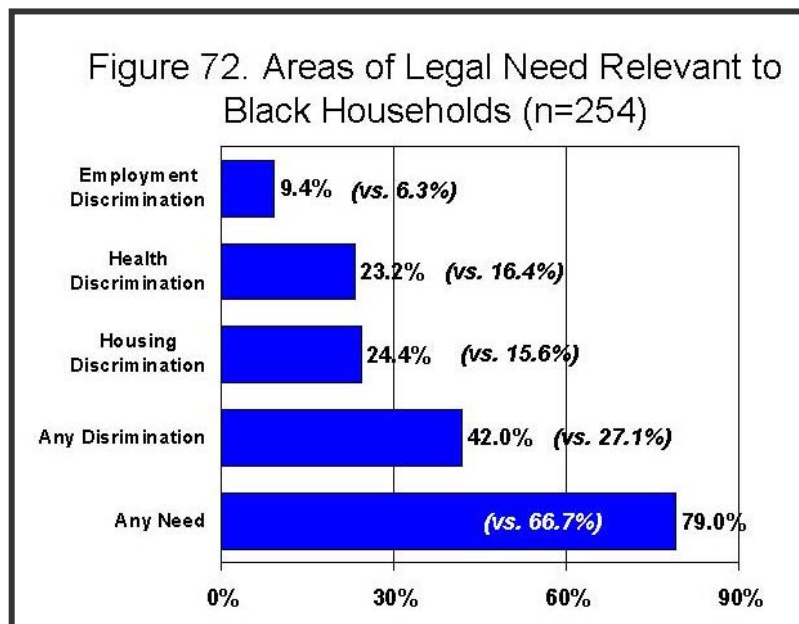
Figure 71 shows the main reasons given by households receiving public benefits when no action was taken. Further support that these households are unsure how best to resolve public benefit legal needs is evident from the higher proportion of these households saying they took no action for public benefit legal needs due to being unsure of what they could do. Many households also cited that they did not want the hassle associated with trying to change something dealing with their public benefits.



Overall, households receiving public benefits recorded more legal needs than the total low-income population. Perhaps most importantly, these households were dissatisfied with the outcome of public benefit legal needs and were unsure how to resolve these problems.

Black Households

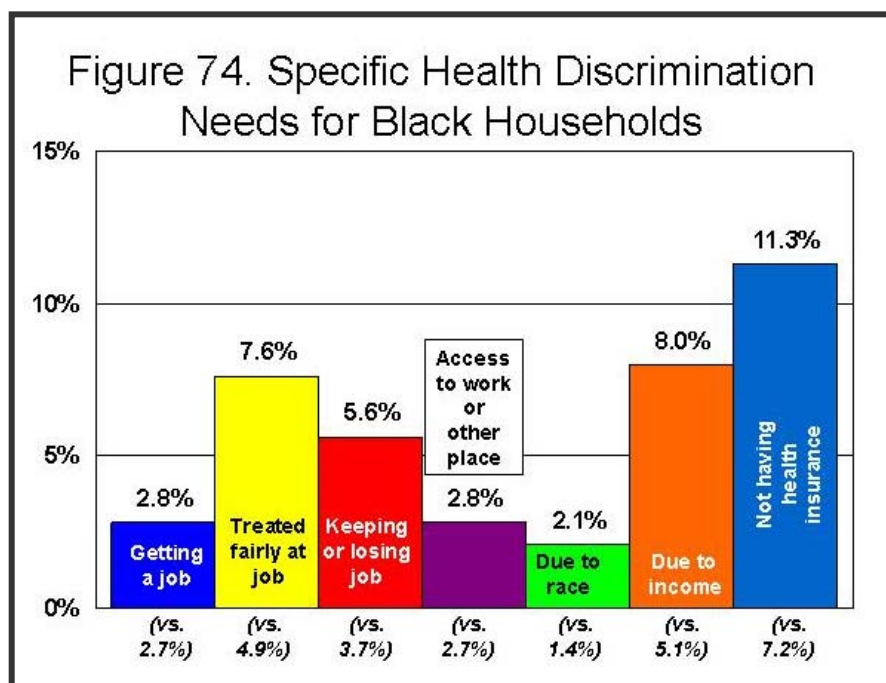
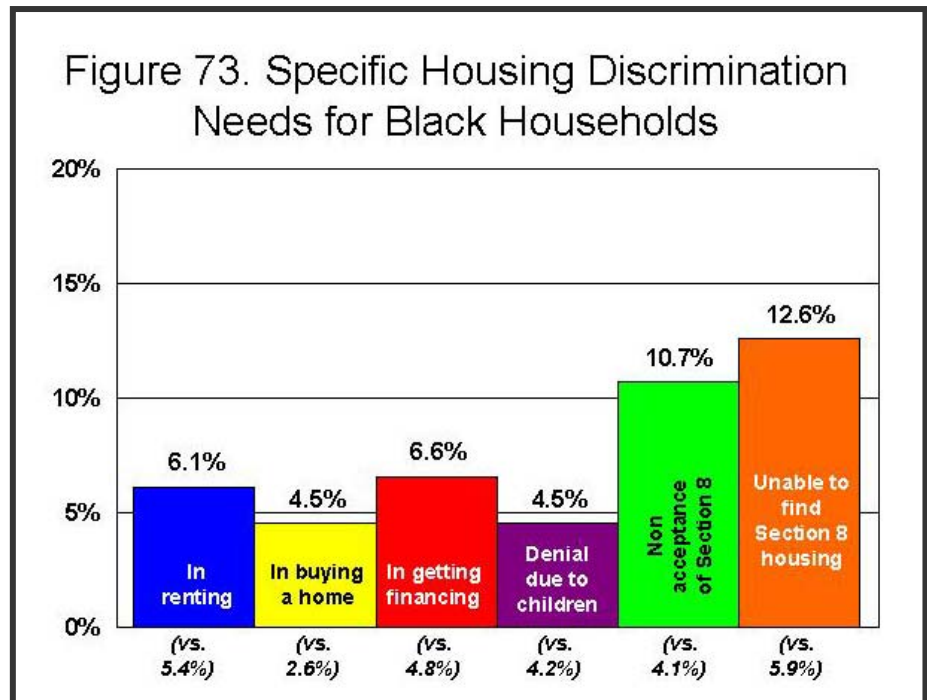
Of special interest when analyzing black households is the level of discrimination that was reported by them in housing, health and employment. Figure 72 presents the overall levels of reported legal needs of any type by black households and for all types of discrimination. As with nearly all of the special segments,



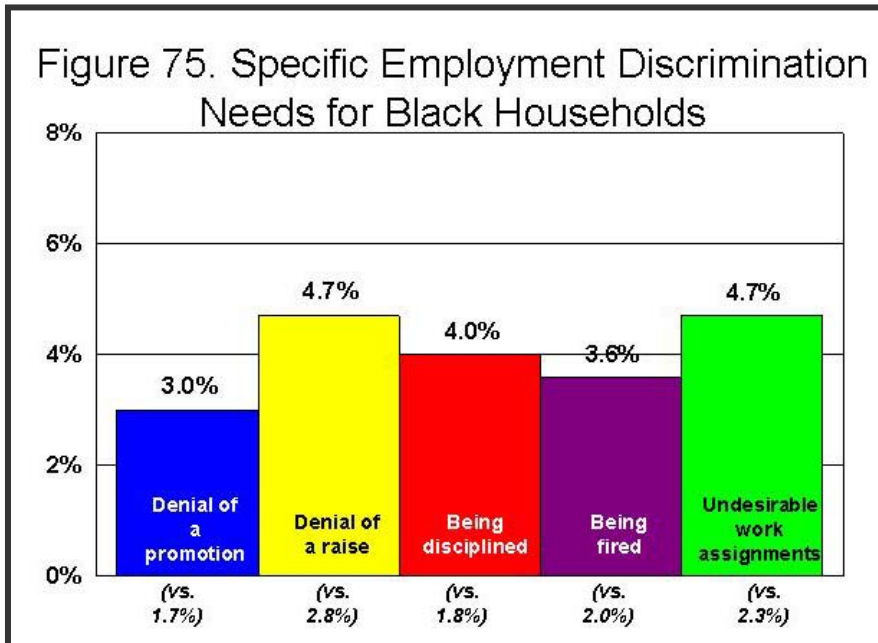
black households reported a higher level of some type of legal need in the past 12 months; nearly four in five reported some type of legal need. Black household experience of any and all types of discrimination was also higher than the general eligible population. Interestingly, the difference is nearly identical for all types of discrimination with black households reporting rates about one-third higher than the general population.

Figures 73, 74 and 75 present the specific areas of discrimination reported by black households for housing, health and employment, respectively. In terms of housing discrimination, the main complaints both involve Section 8 housing: an inability to find it and difficulty in finding apartments that will accept Section 8 vouchers. Discrimination in renting, buying a home, getting

financing, or being denied housing due to having children, affected roughly 5 percent of black households. All these reported rates are higher than for the general eligible population.



The main health discrimination legal need among black households was not having health insurance which affected over one in ten. Health discrimination due to income or unfair treatment at job affected about 8 percent of black households, while 6 percent reported discrimination due to health reasons in keeping a job. Again, the levels reported by black households for all these types of health discrimination exceeded the overall levels in the eligible population.

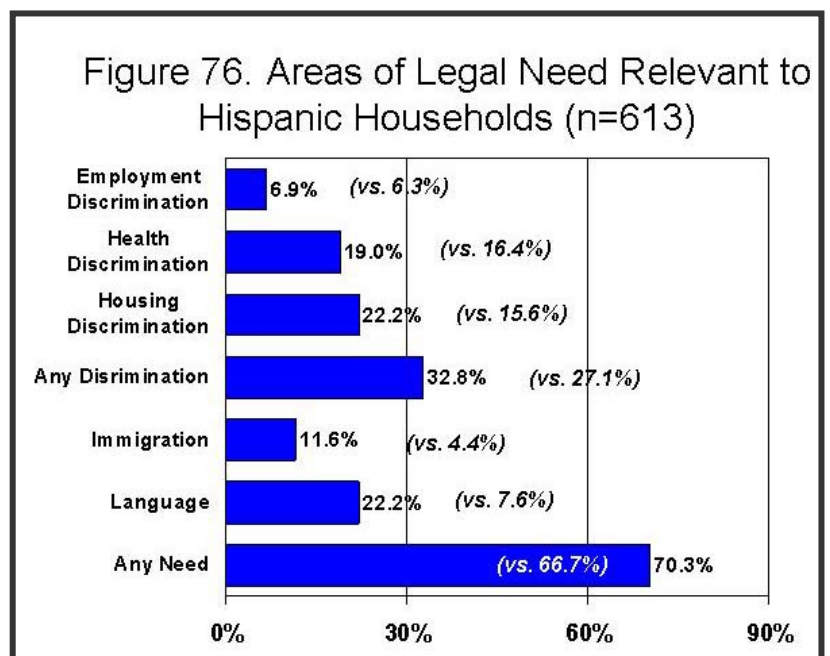


Finally, Figure 75 presents reported levels of employment discrimination among black households. Overall, levels of employment discrimination were relatively low among black households just as they were among the general eligible population. Information on actions taken and satisfaction cannot be reported for discrimination issues because other housing, health and employment needs are included in this information and it is

impossible to separate those only related to discrimination.

Hispanic Households

A question of great interest in Massachusetts is how the state's ethnic and racial make-up is changing. Of particular interest is the rise in immigration among Hispanics and other groups. One reason for this interest is the finding that Hispanics represent a disproportionate number of low-income households⁶. Fully, 28.5 percent of eligible households reported having someone of Hispanic origin. Further, 20 percent of eligible households completed the Massachusetts



⁶ Massachusetts Community Action Program Association, November 1997.

Legal Needs Survey in Spanish. Clearly, it is important to understand the legal needs of Hispanic households in the state.

Figure 76 presents the incidence of various legal needs relevant to the Hispanic population. Hispanic households recorded only a slightly higher level of any legal need at 70 percent than the general eligible population. However, their reported level of language legal needs was three times as high while immigration legal needs were twice as high as in the general population. Levels of discrimination were slightly higher than in the general population but lower than those reported by black households.

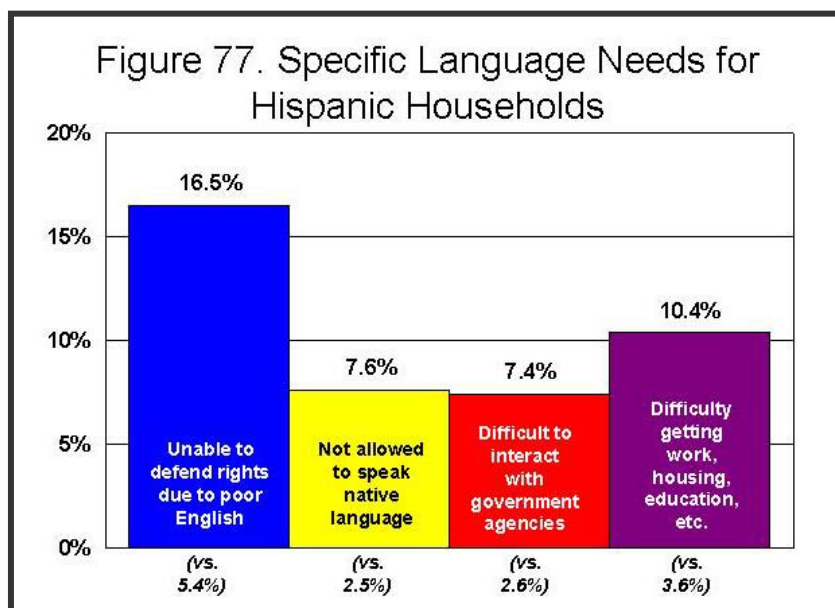
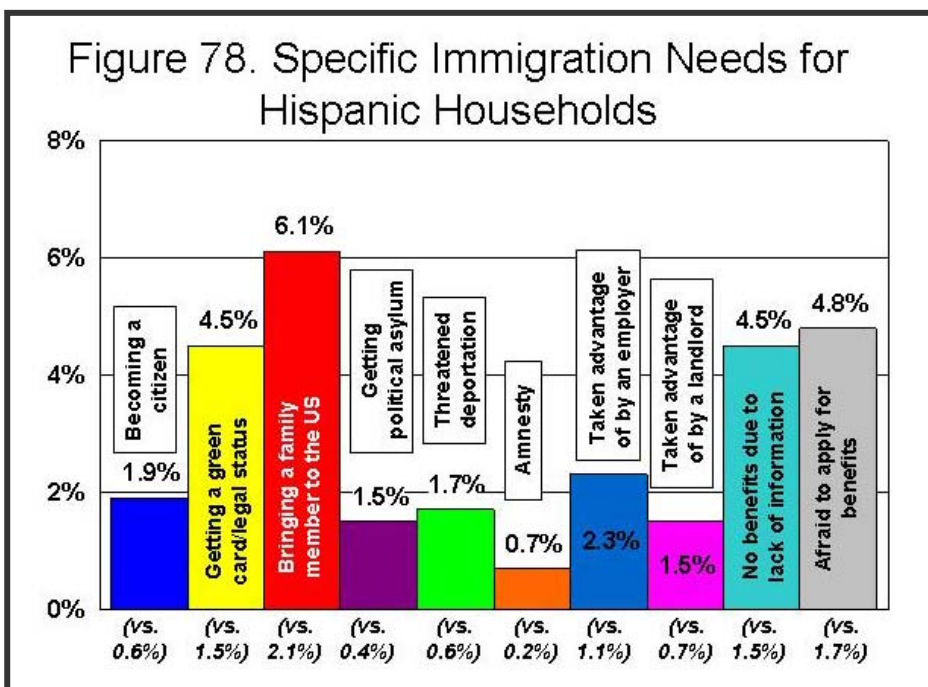


Figure 77 presents the specific legal needs for language. The most reported language legal need was an inability to defend rights due to poor English reported by 17 percent of Hispanic households. Ten percent reported difficulty getting work, housing or education, while about 8 percent said they had been unable to speak their native language or had difficulty interacting with government agencies during the 12 months

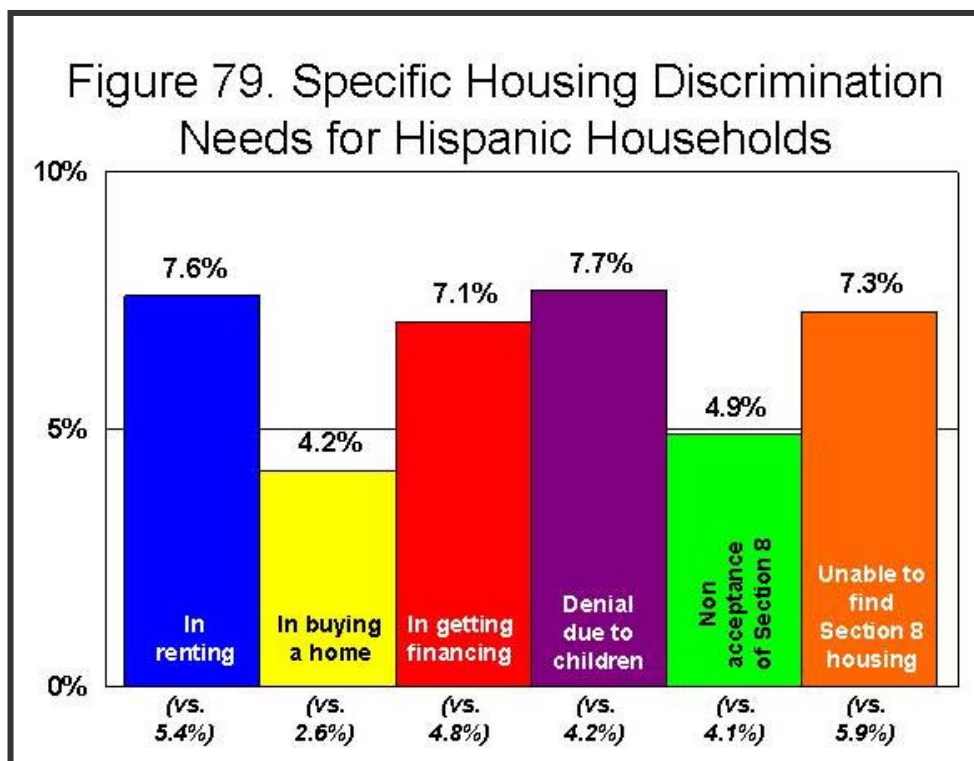
before the survey.

Figure 78 presents information concerning legal needs for immigration issues. Very small percentages of Hispanic households reported any of these legal needs. However, the most common one affecting 6 percent of Hispanic households was the ability to bring a relative to the U.S. Roughly 5 percent of Hispanic households said they were afraid to apply



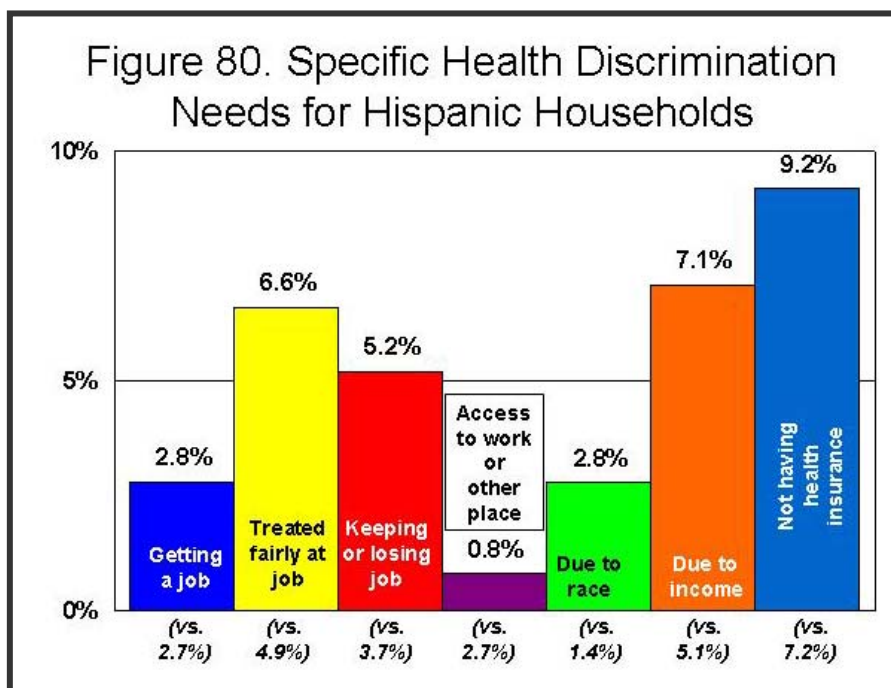
for benefits, had trouble getting a green card, or were unable to get benefits due to lack of information.

Figure 79 shows the specific needs related to housing discrimination for Hispanic households. No type of housing discrimination was reported by more than 8 percent of Hispanic households. The most common types of legal needs were discrimination in renting, denial due to children, the inability to find Section 8 housing, and problems



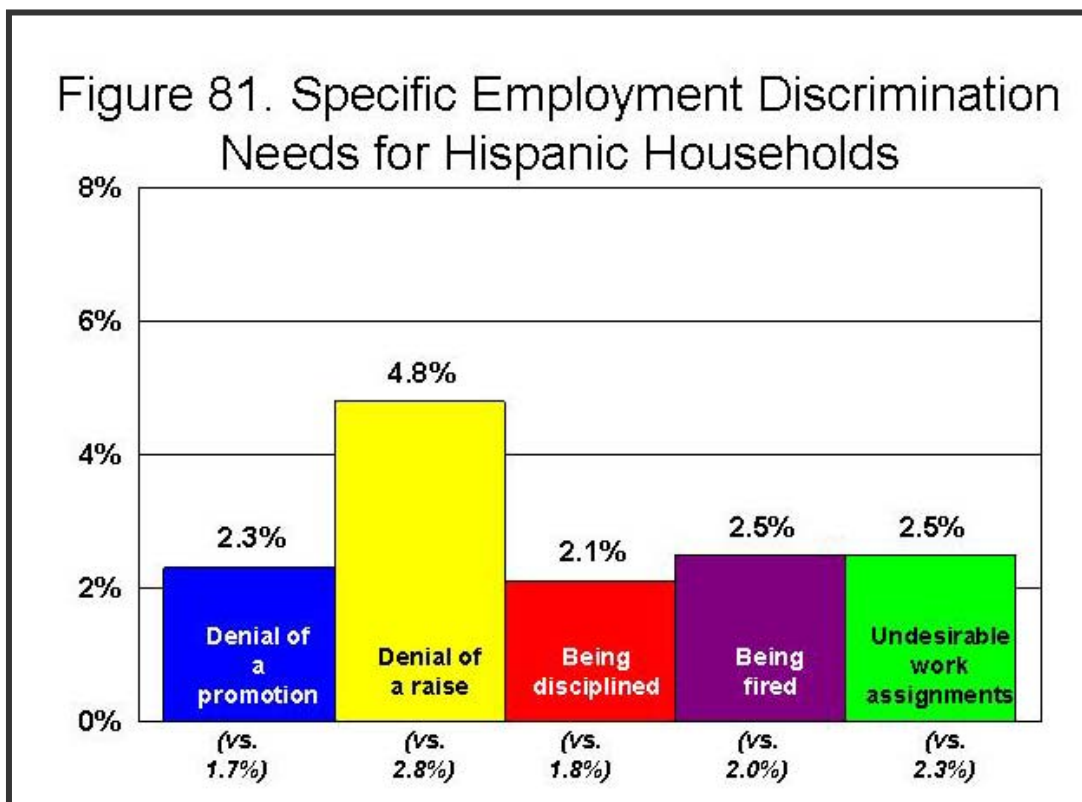
getting financing.

Reported levels of health discrimination legal needs are shown in Figure 80. The most common type of health discrimination complaint was households not having health insurance. There was also some reported health discrimination due to income and receiving fair treatment at work. Levels of health discrimination reported by Hispanic households do not differ much from the overall reported levels



in the general eligible population.

Figure 81 presents similar information concerning reported levels of employment discrimination for Hispanic households. Overall, levels are very low with only denial of a



raise reported by one in twenty Hispanic households.

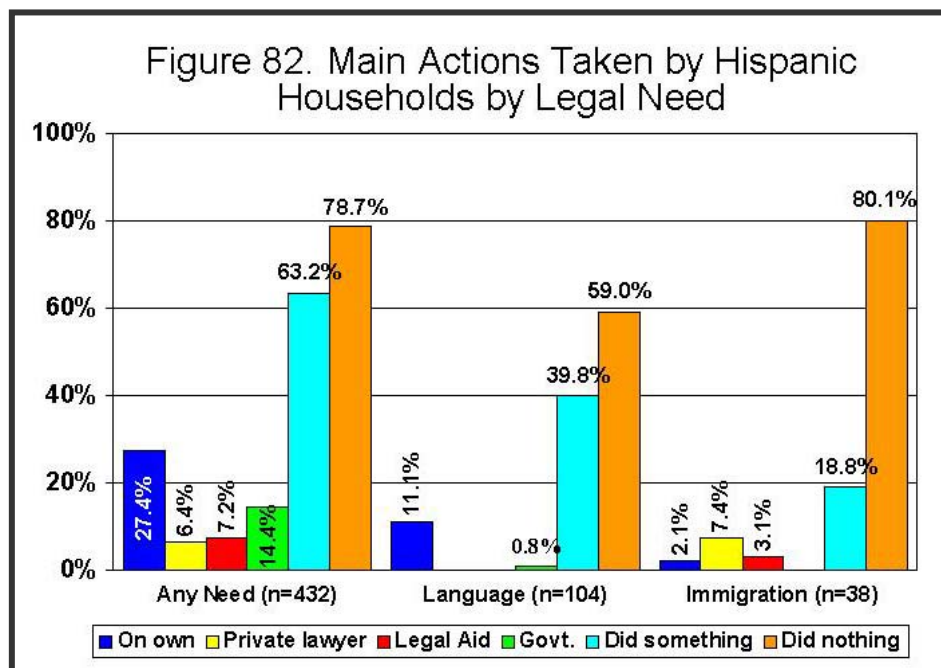


Figure 82 presents the actions taken by Hispanic households for legal needs overall and in the areas of immigrant discrimination and language. Clearly Hispanic households are most likely to take no action at least once with nearly four in five households saying they did nothing for any legal need and for legal needs concerning immigrant

discrimination. A slightly lower 60 percent of Hispanic households with a language legal need took no action at least once. Sixty-three percent of Hispanic households took some type of action at least once when they had any type of legal need as compared to 40 percent taking some type of action when confronted with a language legal need and only 19 percent for an immigrant discrimination legal need. Hispanic households with language or immigration legal needs often refrain from complaining to the government. One in four Hispanic households did something on their own for all legal needs although not so often for language or immigration legal needs.

Satisfaction with concluded legal needs for language and any need are shown in Figure 83. Overall, 45 percent of Hispanic households were dissatisfied with the outcome of any legal issue. Hispanic households appear to be somewhat more satisfied with the outcome of language legal needs.

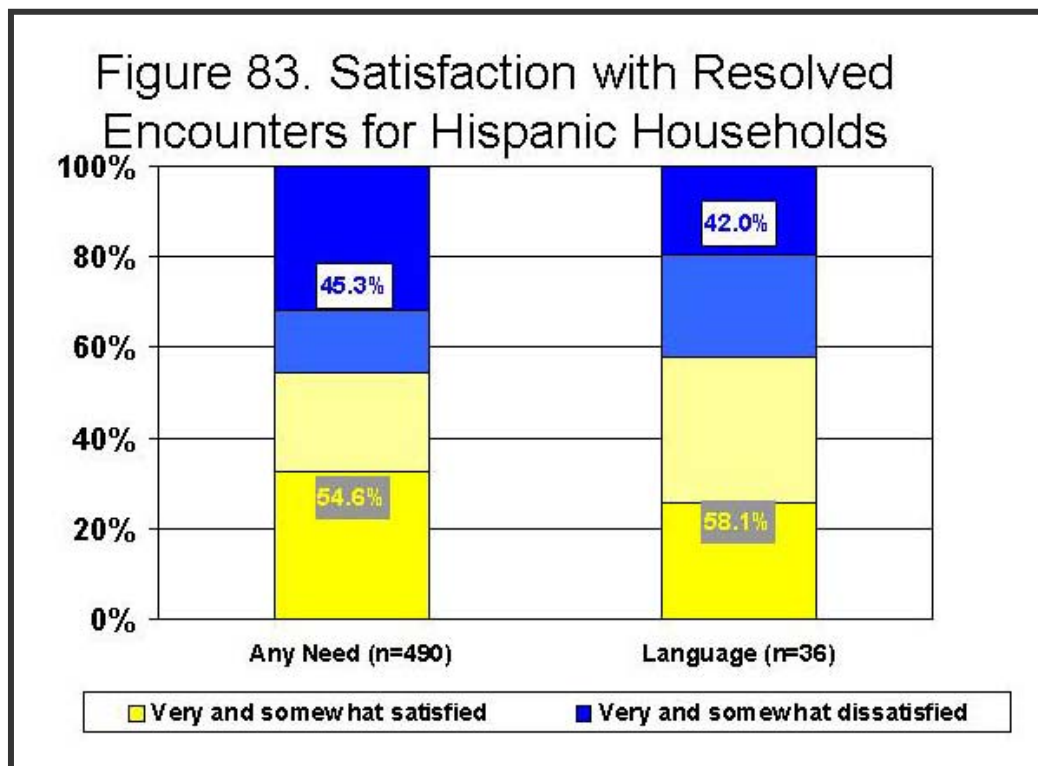
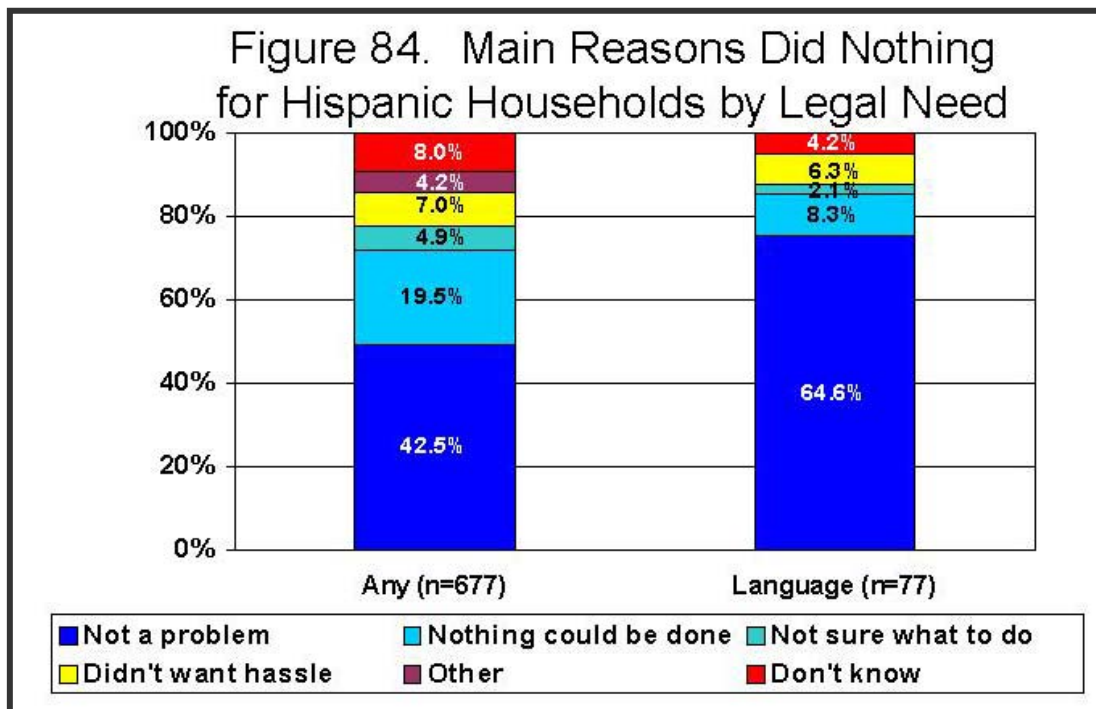


Figure 84 presents the main reason Hispanic households did nothing at least once. Overall, 43 percent of those encounters where nothing was done were due to the perception that there was no problem as compared to nearly two-thirds of language legal need encounters. Twenty percent of total legal encounters among Hispanic households where nothing was done were due to the feeling that nothing could be done as compared to 8 percent of language legal need encounters where nothing was done. Hispanic households saying they did not want the hassle of doing something occurred for roughly 7 percent of encounters where no action was taken overall and for language legal needs.



Clearly, the Hispanic population is growing in size in Massachusetts and is becoming an increasingly important segment of those state households who are eligible for legal assistance. The legal needs of this segment have some differences from the overall eligible population and these needs should be addressed and funded through MLAC and other civil legal providers.

VIII. CONCLUSION

The 2002 Massachusetts Legal Needs Survey provides important and timely information for understanding the current civil legal needs confronting Massachusetts' income eligible population. The decade since the previous survey has seen broad-reaching changes in the state in terms of demographics, economics and fiscal policy. The influx of immigrants to the Bay State has meant that programs need to better serve their target population. The Massachusetts Legal Assistance Corporation plans to use the results of the 2002 survey to better target legal aid programs. The 2002 Legal Needs Survey provides invaluable information upon which to base policy and programmatic changes to ensure a relevant, focused delivery of legal services.

The most surprising finding is the high level of reported legal need by both eligible and other low-income state residents. The level is significantly higher than that found nearly a decade ago. While changes in the survey including the design of the questionnaire likely account for some of this increase, it is too large and consistent to be due solely to methodology. Thus, it appears that the actual demand for legal aid as indicated by the incidence of legal needs has risen significantly.

The survey findings indicate that service delivery can be fine-tuned for population segments. For example, black households reported significantly higher levels of discrimination while Hispanic households had greater need for legal aid dealing with immigration and language. The high level of dissatisfaction among households receiving public benefits that had a resolved public benefit legal need coupled with the low use of legal professionals and not knowing what to do about a public benefit legal need suggests this segment would greatly benefit from information about legal services.

The state did not show many regional differences suggesting that the legal program could adopt an overall state strategy to target the legal needs of low-income residents that will be applicable everywhere.

The Massachusetts Legal Needs Survey has provided detailed information about the legal needs of the eligible and other low-income populations in the state. This information should allow more effective, targeted programs to be designed to best reach this population.